

Republic of the Philippines  
**HOUSE OF THE REPRESENTATIVES**  
 Quezon City

**SEVENTEENTH CONGRESS**  
 First Regular Session

**HOUSE BILL No. 7239**




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**Introduced by HON. MANUEL F. ZUBIRI**

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**EXPLANATORY NOTE**

This bill seeks to establish a protocol for food establishments with regard to the consumption and disposal of plastic straws.

As of February 2015, the Philippines ranks 3<sup>rd</sup> among coastal countries in generating plastic waste thrown into our oceans, just lagging behind China and Indonesia<sup>1</sup>. It has been 17 years since the passage of the Ecological Solid Waste Management Act, yet poor implementation mars the legitimacy of the law due to the lack of a waste-management infrastructure as 74% of the plastic leakage comes from waste already collected<sup>2</sup>. According to a study in 2015, the Philippines has at that point in time 2.7 million metric tons of plastic waste and half a million metric tons of plastic-waste leakage per year.

Every year, the world uses 500 million straws. Straws are a single-use plastic product by their very nature and the material used in most straws, called polypropylene, does not easily degrade naturally<sup>3</sup>. As they are disposed in the ocean, birds, fish, and other amphibians ingest them, causing their sickness or death.

With this bill, food establishments are mandated to adopt an offer-first policy with regard to plastic straws, with exceptions made for those with diseases, physical impediments, children, and geriatrics who require the use of straws. These establishments are also given alternatives to plastic straws such as reusable straws or straws made of degradable materials. In effect, these establishments can also cut costs on the purchase of plastic straws as reusable straws are only a one-time investment. A strict policy regarding disposal shall likewise be adopted.

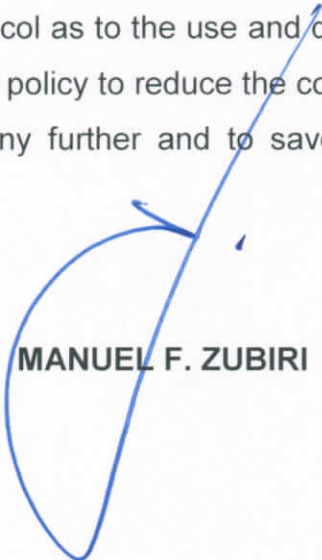
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<sup>1</sup> <http://asianjournal.com/news/plastic-waste-generation-study-ranks-ph-3rd-the-country-should-wake-up-says-ecowaste-coalition/>

<sup>2</sup> <http://www.oceanconservancy.org/our-work/marine-debris/mckinsey-report-files/full-report-stemming-the.pdf>

<sup>3</sup> <http://www.onegreenplanet.org/animalsandnature/plastic-straws-and-the-environment/>

The use, regulation, and disposal of plastic normally hinge on local governments and there is no uniform protocol as to the use and disposal of plastic straws locally. It is high time we adopt a uniform policy to reduce the consumption of plastic straws to avoid the degradation of nature any further and to save our biodiversity, one of our best assets.



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**AN ACT REGULATING THE DISTRIBUTION, USE, RECOVERY, COLLECTION, AND DISPOSAL OF PLASTIC STRAWS IN FOOD ESTABLISHMENTS**

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

**Section 1. Short Title.** – This Act shall be known as the “Plastic Straws Regulation Act”.

**Section 2. Definition of Terms.** – For the purpose of this Act:

- (a) Food establishments refer to an establishment or cluster of establishments engaged in commerce or sales of goods or services in the food industry including, but not limited to, food stalls, convenience stores, food chains, restaurants, cafes, bars, sari-sari stores, vendors, and the like.
- (b) Plastic straw refers to a polymer straw designed to be provided or utilized at the point of sale for drinking beverages or consuming liquid foods
- (c) Reusable straw refers to a straw made of stainless steel, titanium, glass, or bamboo.
- (d) Non-reusable straw refers to a straw made of paper or cellulose.

**Section 3. Offer-First Policy.** – All food establishments in the Philippines shall implement an offer-first policy where customers will only be provided plastic straws upon request. All food establishments are required to post infographics in conspicuous places within and outside the store and in areas near the counter to apprise all customers of the offer-first policy. The food establishment shall offer a reusable straw, and if refused, a plastic straw.

Exceptions shall be made in favor of senior citizens, children under the age of 1 year old, and those with physical deformities, sicknesses, or ailments which render them unable to drink from a glass, a cup, or a reusable straw.

Six months after the passage of this bill, all food establishments will be required to carry either reusable or non-reusable straw options as an alternative to plastic straws.

**Section 4. Sanitation of Reusable Straws.** - The food establishment, should it choose to offer reusable straw options, must ensure the cleanliness of the reusable straws. The Department of Health (DOH) and the Food and Drug Administration (FDA) shall set protocols and promulgate and implement the necessary rules and regulations for cleaning reusable straws to be adopted by the food establishment. The DOH and the FDA shall, through their duly authorized representatives, conduct a random check regarding compliance with the duly set protocols and rules and regulations it issued for cleaning reusable straws.

**Section 5. In-Store Recovery and Disposal System.** – All operators of food establishments shall have special bins for the recovery and disposal of plastic straws apart from other waste such as paper, biodegradable, and other kinds of waste. Should customers choose to dine within the establishment's premises, the food establishment shall demand the proper collection and disposal of the plastic straws. The food establishment shall keep a record as to the proper collection and disposal of all the plastic waste generated by the food establishment.

**Section 6. Government Assistance in Implementation** – The Secretary of Environment and Natural Resources is hereby authorized to call upon any department, bureau, agency, or instrumentality of the government for any support necessary for the effective implementation of this Act.

**Section 7. Implementing Rules and Regulations.** - The Department of Environment and Natural Resources, in consultation with the Department of Health and the Food and Drug Administration, within ninety (90) days from the effectivity of the Act, shall promulgate the rules and regulations necessary for the effective implementation of the provisions of this Act.

**Section 8. Appropriations.** - The funds required for the implementation of this Act shall be taken from the budget of the Department of Environment and Natural Resources for the current fiscal year. Thereafter, the amount necessary to carry out the provisions of this Act shall be included in the General Appropriations Act of the year immediately following its enactment into law and subsequent thereto.

**Section 9. Fines and Penalties.** – Failure to adopt the Offer-First Policy in Sec. 3 of this Act by the operator, owner, or proprietor of the food establishment of this Act shall be penalized in the following manner:

- (a) A fine of not less than P10,000 but not exceeding P100,000 for failure to adopt;
- (b) A fine of not less than P100,000 but not exceeding P250,000 after a second warning by the Department of Environment and Natural Resources;
- (c) A fine of not less than P250,000 but not exceeding P300,000 after a third warning by the Department of Environment and Natural Resources; and
- (d) A fine of not less than P500,000 but not exceeding P750,000 and the automatic revocation of its business permit after the fourth warning.

The same penalties apply for the failure to adopt sanitation protocols under Section 4 and for the failure to adopt an in-store recovery and disposal system.

Any fine collected pursuant to this section shall be retained by the barangay unit where the store is located to augment its waste management capability.

**Section 10. Administrative Action.** – Without prejudice to the right of any person to file an administrative action, the DENR shall, on its own instance or upon verified complaint by any person, institute administrative proceedings in the proper forum against any natural or juridical person who violates any of the provisions of this Act with respect to:

- (a) Standards and limitations provided by this Act;
- (b) Such order, rule, or regulation issued by the DENR with respect to such standard or limitation.

**Section 11. Separability Clause.** - If any portion or provision of this Act is declared unconstitutional, the same shall not affect the validity and effectivity of the other provisions not affected thereby.

1 **Section 12. Repealing Clause.** - All laws, parts of laws, decrees, presidential  
2 issuances, proclamations, orders, ordinances, and administrative regulations in conflict  
3 with the provisions of this Act are hereby amended, modified or repealed accordingly.

4 **Section 13. Effectivity.** - This Act shall take effect fifteen (15) days after its publication  
5 in the Official Gazette or in at least two (2) newspapers of general circulation, whichever  
6 comes earlier.

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8 Approved.  
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