



HOUSE OF REPRESENTATIVES

H. No. 6362

BY REPRESENTATIVES CAJAYON, ARENAS, RODRIGUEZ-ZALDARRIAGA, TAN, UMALI (C.), CLIMACO, GARIN, COSCOLLUELA, GO, LAGDAMEO, ARROYO (I.), ANGPING, GATCHALIAN, MENDOZA (M.), SY-ALVARADO, PUNO, TIENG, EMANO, ARAGO, ENVERGA, VILLAR, PINGOY, TEODORO, SYJUCO, GONZALES (N.) AND DE GUZMAN, PER COMMITTEE REPORT NO. 2033

AN ACT PROVIDING FOR THE MANDATORY PREGNANCY TESTING OF ALL WOMEN OF CHILDBEARING AGE WHO WILL UNDERGO COSMETIC SURGERY, PROVIDING PENALTIES THEREFOR AND FOR OTHER PURPOSES

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

1 SECTION 1. *Declaration of Policy.* – It is hereby declared the policy
2 of the State to ensure the well-being of patients, especially the protection of
3 pregnant women and the right to life beginning from conception against the
4 potential risks of cosmetic surgery procedures.

5 SEC. 2. *Objectives.* – Towards this end, the State shall provide for the
6 mandatory pregnancy testing of all women of childbearing age who will
7 undergo cosmetic surgeries and guarantee the safety of all patients from the

1 harmful effects that may be caused by cosmetic surgery procedures through
2 disclosure requirement of potential risks of such procedures.

3 SEC. 3. *Definition of Terms.* – For the purpose of this Act, the
4 following terminologies shall be construed as:

5 (a) “Childbearing age” shall refer to the age group during which period
6 a female is capable of procreation.

7 (b) “Cosmetic surgery” shall refer to a subspecialty of medicine and
8 surgery that distinctly restricts itself to the enhancement of appearance through
9 surgical and medical techniques and is primarily concerned with maintaining
10 normal appearance, restoring it or enhancing it beyond the average level
11 toward some aesthetic ideal. It is a multidisciplinary approach that is directed
12 to all areas of the head, neck and body.

13 (c) “Cosmetic surgery practitioner” shall refer to any firm, partnership,
14 association or corporation and any of its medical associate or cosmetic surgeon
15 offering expertise in a broad range of cosmetic services who is a registered and
16 licensed physician holding a valid certificate of registration and a valid
17 professional identification card issued by the Board of Medicine of the
18 Professional Regulation Commission (PRC).

19 (d) “Human Chorionic Gonadrophin (hCG)” shall refer to the hormone
20 produced during pregnancy which appears in the blood and urine of pregnant
21 women as early as ten (10) days after conception.

22 (e) “Medical practitioner” shall refer to any physician registered by the
23 Board of Medicine, a nurse registered by the Board of Nursing or a midwife
24 registered by the Board of Midwifery who is a holder of a valid certificate of
25 registration and a valid professional identification card issued by the foregoing
26 boards of the PRC, who is capable of administering accurate pregnancy testing.

1 (f) "Pregnancy" shall refer to the period from conception to birth and
2 begins when the egg is fertilized by a sperm and then implanted in the lining of
3 the uterus, develops into the placenta and embryo, and later on into a fetus.

4 (g) "Pregnancy test" shall refer to the procedure in which the hormone
5 called Human Chorionic Gonadrophin (HCG) is measured.

6 (h) "Unborn child" shall refer to an unborn offspring of human beings
7 from the moment of conception, through pregnancy, and until live birth,
8 including the human *conceptus*, zygote, morula, blastocyst, embryo and fetus.

9 SEC. 4. *Mandatory Pregnancy Testing.* – The State shall, in the interest
10 of ensuring the well-being of pregnant women and protecting the welfare of the
11 unborn children, require all cosmetic surgery practitioners to subject women of
12 childbearing age, who shall undergo cosmetic surgery procedures that may be
13 harmful to pregnant women and unborn children, to a mandatory pregnancy
14 testing. The test shall be administered by the cosmetic surgery practitioner or
15 any of its accredited medical practitioner who shall certify to the veracity or
16 authenticity of the test: *Provided, however,* That those women who have been
17 found to be infertile or incapable to reproduce based on objective criteria as
18 may be supported by a certified medical record shall be exempt from the
19 provisions of this Act. Objective criteria for ruling out potential pregnancy
20 include total hysterectomy, bilateral tubal ligation or the passage of at least one
21 (1) year without menses or menopause. Mandatory pregnancy testing shall be
22 routinely performed prior to any cosmetic surgery procedure that a cosmetic
23 surgery practitioner may consider harmful to pregnant women and unborn
24 children. Potentially harmful types of cosmetic surgery include those that
25 require the administration of general anesthesia using inhalational anesthetic
26 gases and other types of sedating drugs given intravenous or oral to induce
27 anesthesia. The list of cosmetic surgery procedures would include, but not
28 limited to: liposuction of the abdomen, arms, thighs, submental area, a

1 combination thereof or involving the whole body; tummy tuck or
2 abdominoplasty; breast augmentation; mastopexy; butt augmentation; and
3 chemical peeling of face and body.

4 SEC. 5. *Conduct of Pregnancy Testing.* – The test shall be
5 administered, primarily for the purpose of determining pregnancy, by
6 collecting or extracting blood serum from the woman. Pregnancy testing may
7 be Qualitative in order to determine if HCG hormone is present and/or
8 Quantitative in order to measure how much HCG is present.

9 SEC. 6. *Mandatory Disclosure of Potential Risks of Cosmetic Surgery*
10 *Procedures.* – It shall be the obligation of the cosmetic surgery practitioner to
11 make a reasonable disclosure of available choices with respect to a cosmetic
12 procedure and to inform the patient of the precise and potential risks associated
13 with a specific cosmetic surgery procedure and the possible dangers of
14 undergoing the same when a woman is pregnant. The cosmetic surgery
15 practitioner shall explicitly advise in lay terms or in a manner that the patient
16 can give an informed or intelligent consent to such procedure. An informed
17 consent form shall thereafter be signed by the patient before undergoing a
18 cosmetic surgery procedure.

19 SEC. 7. *Prohibited Acts.* – The following acts shall constitute an
20 offense punishable under this Act:

21 (a) Failure to inform the patient of the potential risks of cosmetic
22 surgery procedures as prescribed under Section 6 of this Act;

23 (b) Performing cosmetic surgery procedure to any woman of
24 childbearing age that is harmful to pregnant women and unborn children
25 without the required pregnancy test; and

26 (c) Performing cosmetic surgery procedure to any woman who has
27 been positively found to be pregnant even when there is full disclosure or

1 signed waiver of the right to sue over a denied and undetected pregnancy on
2 the part of the woman.

3 SEC. 8. *Penalties.* – Any person who shall violate any provision of
4 this Act shall suffer the penalty graduated hereunder:

5 (a) For the first conviction, he shall suffer the penalty of reprimand,
6 which shall be officially recorded in the appropriate books of the PRC and the
7 Philippine Medical Association;

8 (b) For the second conviction, the penalty of fine in the amount of not
9 less than Five thousand pesos (P5,000.00);

10 (c) For the third conviction, the penalty of fine in the amount of not
11 less than Ten thousand pesos (P10,000.00) but not exceeding Twenty thousand
12 pesos (P20,000.00) and suspension of his license to practice his profession for
13 thirty (30) days, at the discretion of the court; and

14 (d) If the offense is committed by a corporation, partnership or other
15 juridical entity, the chief executive officer, president, general manager or such
16 other officer-in-charge shall be liable for the commission of the offense
17 punishable under this Act and the cancellation of its business permit and
18 license to operate.

19 In case of conviction resulting in the death of the mother or miscarriage
20 of the unborn child, a fine of not less than Fifty thousand pesos (P50,000.00)
21 and a penalty of suspension of the license to practice the profession for one (1)
22 year or longer, at the discretion of the court.

23 The Secretary of Health shall have the authority to recommend
24 administrative sanctions, such as suspension or cancellation of license to
25 practice profession on cosmetic surgery practitioner, to the PRC for the
26 violation of this Act.

27 The penalties imposed under this Act shall be without prejudice to other
28 penalties imposable under the Revised Penal Code and other applicable laws.

1 SEC. 9. *Implementing Rules and Regulations.* – The Department of
2 Health shall promulgate and issue the necessary rules and regulations for the
3 effective implementation of the provisions of this Act within thirty (30) days
4 after the effectivity of this Act.

5 SEC. 10. *Repealing Clause.* – All laws, decrees, executive orders,
6 rules and regulations or parts thereof inconsistent with the provisions of this
7 Act are hereby repealed or modified accordingly.

8 SEC. 11. *Separability Clause.* – If, for any reason, a provision or part
9 thereof is declared invalid, the other provisions not affected thereby shall
10 remain in full force and effect.

11 SEC. 12. *Effectivity Clause.* – This Act shall take effect fifteen (15)
12 days after its publication in the *Official Gazette* or in any newspaper of general
13 circulation.

Approved,

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