



Republic of the Philippines
Office of the President
DANGEROUS DRUGS BOARD

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BOARD REGULATION No. 6
Series of 2007

SUBJECT: CLASSIFYING TOLUENE-BASED CONTACT CEMENT PRODUCTS WITHOUT AT LEAST FIVE PERCENT (5%) MUSTARD OIL CONTENT AS DANGEROUS DRUGS

WHEREAS, contact cement products contain Toluene which is a substance listed in Table II of the 1988 U.N. Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances;

WHEREAS, records show that contact cement remains to be one of the top three drugs/products of choice among drug abusers and that a significant number of contact cement abusers belong to the youth group, majority of whom are children, and thus, the elimination of its abuse potential is imbued with public interest;

WHEREAS, as expressly provided for in R.A. 9165, it is the policy of the State to safeguard the well-being of its citizenry, particularly the youth, from the harmful effects of dangerous drugs and to pursue an intensive and unrelenting campaign against the trafficking and use of dangerous drugs;

WHEREAS, the Dangerous Drugs Board is given the power to promulgate rules and regulations necessary to carry out the aforesaid statutory purposes;

WHEREAS, under Section 93 of R.A. 9165, the Dangerous Drugs Board is empowered to classify/reclassify, add or remove any drug from the list of dangerous drugs;

WHEREAS, P.D. 1619 likewise empowers the Dangerous Drugs Board to issue rules and regulations to carry out the purpose of said decree, which is to stop the use of volatile substances, including Toluene, as substitutes for dangerous drugs;

WHEREAS, pursuant to Section 93 of RA 9165, the Board has conducted several consultation meetings with the concerned sectors and the required public hearing, after due notice, on the proposal to classify Toluene-based contact cement products without at least Five Percent (5%) Mustard Oil content as dangerous drugs and the results of the consultation meetings and public hearing favor the said proposal;

NOW, THEREFORE, be it **RESOLVED**, as it is hereby **RESOLVED**, to promulgate the following Regulation:

Section 1. Definition of Terms. The terms used in this Regulation are defined as follows:

Board – refers to the Dangerous Drugs Board.

Contact Cement - is a synthetic adhesive that is applied to one or both of the surfaces to be joined, with the surfaces then being brought into contact.

Controlled Precursors and Essential Chemicals – include those listed in Tables I and II of the 1988 UN Convention Against Illicit Traffic In Narcotic Drugs and Psychotropic Substances and made as an integral part of RA 9165, as well as those classified as such by the Dangerous Drugs Board pursuant to Section 93, Article XI of RA 9165. Controlled precursors are those that are used in the manufacture of a narcotic drug or psychotropic substance, which in the process of manufacture become part of the molecular structure of the narcotic drug or psychotropic substance. Essential chemicals, such as reagents and catalysts, are those that are essentially used in the manufacture of a controlled substance, but do not become part of the molecular structure of the drug.

Dangerous Drugs – include those listed in the Schedules annexed to the 1961 Single Convention on Narcotic Drugs, as amended by the 1972 Protocol, and in the Schedules annexed to the 1971 Single Convention on Psychotropic Substances and made as an integral part of RA 9165, as well as those classified as such by the Dangerous Drugs Board pursuant to Section 93, Article XI of RA 9165. Such drugs are those that when ingested by or administered to a person for reasons other than for medical purposes cause physical, emotional and/or behavioral changes to the person concerned.

Mustard Oil – is a colorless-to-pale yellow pungent irritating oil that is obtained by distillation from the seeds, usually of black mustard, after expression of the fatty oil and maceration with water, that consists largely of a chemical allyl isothiocyanate, a volatile compound with a characteristic of pungent odor capable of inducing eye tears.

PDEA – refers to the Philippine Drug Enforcement Agency.

Toluene – is a colorless, flammable, toxic liquid hydrocarbon aromatic compound with a chemical formula of $C_6H_5CH_3$, which is the methyl derivative of benzene, found in coal-tar light oil and in petroleum and is obtained chiefly from the processing of petroleum fractions. It is included in Table II of the 1988 UN Convention Against Illicit Traffic In Narcotic Drugs and Psychotropic Substances.

Volatile Substances – are, as defined in P.D. 1619, any liquid, solid or mixed substances having the property of releasing vapors or fumes containing one or more of the following chemical compounds: methanol, ethanol, isopropanol, ethyl acetate, n-propyl acetate, n-butyl acetate, acetone, methyl ethyl ketone, methyl butyl ketone, benzene, toluene, xylene, styrene, naphthalene, n-pentane, n-hexane, n-heptane, methylene chloride, trichloroethylene, tetrachloroethylene, nitrous oxide, dichlorodifluoromethane, chlorodifluoromethane, isoamyl nitrate, ether or chloroform or any other chemical substances which when sniffed, smelled, inhaled, or introduced into the physiological system of the body produces or induces a condition of intoxication, inebriation, excitement, stupefaction, dulling of the brain or nervous system, depression, giddiness, paralysis, or irrational behavior or in any manner changing, distorting or disturbing the auditory, visual or mental processes.

Section 2. Classifying Toluene-Based Contact Cement Products Without At Least Five Percent (5%) Mustard Oil Content as Dangerous Drugs. All Toluene-based contact cement products imported, manufactured, distributed, sold and/or handled shall include at least Five Percent (5%) Mustard Oil content in their formulation. Toluene-based contact cement products without at least five percent (5%) Mustard Oil content are hereby classified as dangerous drugs and added to the list of dangerous drugs attached to RA 9165. The importation, manufacture, distribution, sale and/or handling of the aforementioned products shall be subject to the provisions of R.A. 9165, particularly Article II thereof, and shall follow the guidelines provided for in Board Regulation No. 3, series of 2003.

Section 3. Marking of Toluene-Based Contact Cement Products With At Least Five (5%) Percent Mustard Oil Content. Toluene-based contact cement products with at least five (5%) percent Mustard Oil content shall indicate, by legibly printing on their product labels, cartons and other containers, the presence of such additive. The obnoxious odor of the Mustard Oil additive shall be maintained from the time of manufacture or importation of the said products until the same are utilized and/or the Mustard Oil's volatility shall be less than that of the Toluene content of the products. Non-compliance with any or either of the aforesaid requirements shall make the product a dangerous drug despite the presence of at least five percent (5%) Mustard Oil.

Section 4. Penalty Clause. Any violation of this Regulation shall be penalized under Section 32 of R.A. 9165, without prejudice to any other criminal liability arising from the same act punishable under other provisions of R.A. 9165. In case the violation is committed by a partnership, corporation, association or any juridical entity, the partner, president, director, manager, trustee, estate administrator, or officer who consents to or knowingly tolerates its commission, or through negligence failed to avert such violation, shall be held criminally liable.

Section 5. Separability Clause. If for any reason, any section or provision of this Regulation is declared invalid or unconstitutional, the remainder of this Regulation shall not be affected by such declaration and shall remain in force and effect.

Section 6. Amending Clause. All Board Regulations and other issuances inconsistent with this Regulation are hereby superseded or modified accordingly.

Section 7. Effectivity. This Regulation shall take effect six (6) months after its publication in two (2) newspapers of general circulation and after its registration with the Office of the National Administrative Register (ONAR), UP Law Center, Quezon City.

ADOPTED and APPROVED this 13th day of November, in the year of Our Lord, 2007 in Quezon City.

Secretary ANSELMO S. AVENIDO, JR.
Chairman, Dangerous Drugs Board

Attested by:

Undersecretary EDGAR C. GALVANTE
Secretary of the Board