

SIXTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Third Regular Session)



Senate
Office of the Secretary

'16 JAN 26 P2 55

SENATE
S. No. 3135

RECEIVED BY: *[Signature]*

Introduced by Senator Miriam Defensor Santiago

AN ACT
TO PROMULGATE A CONSUMER PRODUCT SAFETY STANDARD FOR EACH
DURABLE INFANT OR TODDLER PRODUCT

EXPLANATORY NOTE

Unintentional injuries are the leading cause of death among children. In the United States, an average of 50 children under the age of five die each year in incidents associated with nursery products, and about 16 of these deaths each year are associated with cribs.

In 2003, an estimated 60,700 children under the age of five were treated in United States hospital emergency rooms for injuries associated with nursery products, and there were 10,700 injuries to children under the age of five years associated with strollers alone.

Here in the Philippines, we lack product standards to protect our toddlers and infants from similar incidents. This bill seeks to direct the Department of Trade and Industry to promulgate a consumer product safety standard for each durable infant or toddler product.¹

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO
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¹ This bill was originally filed during the Thirteenth Congress, Third Regular Session.

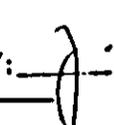
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Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

1 SECTION 1. *Short Title.* – This Act shall be known as the “Infant and Toddler
2 Durable Product Safety Act.”

3 SECTION 2. *Declaration of Policy.* - It is hereby declared the policy of the State
4 to ensure the safety of infants and toddlers from products which are manufactured and
5 distributed for them.

6 SECTION 3. *Purpose* - The purpose of this Act is to prevent dangerous children's
7 products from getting to the market, by requiring independent testing of all durable infant
8 and toddler products before they enter commerce.

9 SECTION 4. *Definition of Terms.* – For purposes of this Act the term –

10 A. "Durable Infant or Toddler Product" means a durable product intended for
11 use, or that may be reasonably expected to be used, by children under the
12 age of five years; and includes:

- 13 i. full-size cribs and non-full-size cribs;
14 ii. toddler beds;
15 iii. high chairs, booster chairs, and hook-on chairs;

- 1 iv. bath seats;
- 2 v. gates and other enclosures for confining a child;
- 3 vi. play yards;
- 4 vii. stationary activity centers;
- 5 viii. infant carriers;
- 6 ix. strollers;
- 7 x. walkers;
- 8 xi. swings; and
- 9 xii. bassinets and cradles.

10 B. "Panel" means the Infant and Toddler Product Review Panel established
11 under Section 8.

12 SECTION 5. *Consumer Product Safety Standards for Durable Infant and Toddler*
13 *Products.* – The Department of Trade and Industry (DTI) shall promulgate a consumer
14 product safety standard for each durable infant or toddler product. DTI shall promulgate
15 consumer product safety standards:

16 A. for at least seven durable infant or toddler products every two calendar years
17 beginning after the date of the effectivity of this Act; and

18 B. for all existing durable infant or toddler products by not later than December
19 31, 2019.

20 SECTION 6. *Consultation with Panel-* DTI shall promulgate any consumer
21 product safety standard under this section for a durable infant or toddler product in
22 consultation with the Panel and after considering the results of a review by such panel of
23 any existing guidelines for that product.

24 SECTION 7. *Durable Infant and Toddler Product Compliance Certification.* –
25 DTI shall by rule require that testing and certification for a durable infant or toddler

1 product shall be performed by an independent third party and require the use, and
2 prescribe the form and content, of a label, including a seal which states that the product
3 has passed such testing and certification.

4 DTI shall delegate to the Panel the authority to prescribe a seal that shall be used,
5 under the labeling requirements under this Section, for infant or toddler products that are
6 certified to comply with applicable consumer product safety standards promulgated under
7 this Act.

8 SECTION 8. *Infant and Toddler Product Review Panel.* – The Department of
9 Trade and Industry shall establish an Infant and Toddler Product Review Panel (Panel) to
10 advise the Department of Trade and Industry regarding the implementation of this Act.
11 The Panel shall review and report to DTI regarding the existing guidelines for durable
12 infant or toddler products and advise DTI regarding the promulgation of consumer
13 product safety standards under this Act.

14 SECTION 9. *Composition of the Panel.* – The Panel shall be comprised of:

- 15 A. One representative from the juvenile product manufacturers industry;
16 B. One representative from the consumer groups;
17 C. One representative from independent child product engineers and experts;
18 D. Five consumer product safety engineers to be appointed by DTI.

19 SECTION 10. *Appropriations.* – The amount necessary for the initial
20 implementation of this Act shall be charged against the appropriations of DTI under the
21 current General Appropriations Act. Thereafter, such sum as may be necessary for its full
22 implementation shall be included in the annual General Appropriations Act as a distinct
23 and separate item.

1 SECTION 11. *Separability Clause.* – If any provision of this Act is held invalid or
2 unconstitutional, the same shall not affect the validity and effectivity of the other
3 provisions hereof.

4 SECTION 12. *Repealing Clause.* – Any law, presidential decree or issuance,
5 executive order, letter of instruction, administrative order, rule or regulation contrary to
6 or is inconsistent with the provision of this Act is hereby repealed, modified, or amended
7 accordingly.

8 SECTION 13. *Effectivity Clause.* – This Act shall take effect fifteen (15) days
9 after its publication in the *Official Gazette* or in two (2) newspapers of general
10 circulation.

Approved,

/apm | January 2016