

THIRTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

5 FEB -3 AM 11:29

SENATE 1908
S.B. No. _____

RECEIVED BY: _____ *C*

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

Choking is the fourth leading cause of accidental death in children under five (5) years of age in the United States. At least one child dies from choking on food every five (5) days in the USA and more than 10,000 children are taken to hospital emergency room each year for food choking incidents. A choking warning label must be placed on food to alert parents of this danger.

Parents need to be aware of food choking danger. Manufacturers should take the first step and place warning labels on their food. This bill seeks for a mandatory warning labels on statistically dangerous foods to protect our children from choking hazard.

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO
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THIRTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

5 FEB -3 AM 1:30

SENATE
S.B. NO. 1906

RECEIVED BY: C

Introduced by Senator Miriam Defensor Santiago

AN ACT
TO PROTECT CHILDREN FROM FOODS THAT POSE A SIGNIFICANT CHOKING
HAZARD

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 "Food Choking Prevention Act of 2005."

SECTION 2. *Definition of Terms.* — As used in this Act, the following terms shall mean:

- (1) "Choking" - the condition caused by blocking the airways to the lungs (as with food or swelling of the larynx).
- (2) "Label" - the display of written, printed or graphic matter on any consumers product, its immediate container, tag, literature or other suitable material affixed thereto for the purpose of giving information as to identity, components, ingredients, attributes, directions for use, specification and such other information as may be required by law or regulations.
- (3) "BFAD" - the Bureau of Food and Drugs.
- (4) "OCHE" - the Office of Choking Hazard Evaluation.
- (5) "Task Force" - the Choking Hazard Evaluation Task Force.

SECTION 3. *Office of Choking Hazard Evaluation (OCHE).* —

(1) *IN GENERAL.* — There shall be an OCHE established within the BFAD which will promulgate and implement the provision of this Act. The BFAD is encouraged to enter into inter-agency agreements with pertinent agencies in establishing and operating the OCHE.

(2) INFORMATIONAL LABELS. — The OCHE shall have the authority to require informational labels on food consumed by children that pose a demonstrably high choking risk to children.

(3) RECALL AUTHORITY. — The OCHE shall have mandatory recall authority of food that the OCHE determines pose a significant and unacceptable choking hazard to the general public.

(4) EDUCATION. — The OCHE shall produce educational materials on food choking hazards, precautions, and life saving procedures that shall be provided to pediatricians and hospital to distribute to patients aged 14 years old and younger. The OCHE shall designate one week a year as "National Child Food Choking Prevention Week" and shall widely publicize choking hazards and life-saving procedures during the time period. Child safety, as well as infant and CPR classes, shall be made widely available throughout the designated week.

SECTION 4. *Inter-Agency Task Force.* —

(1) CHOKING HAZARD EVALUATION TASK FORCE. — The BFAD shall establish the Task Force within the OCHE. The officers and staff of the Task Force shall be designated by the BFAD.

(2) FUNCTIONS. —

(a) IN GENERAL. — The Task Force shall be responsible for establishing criteria for determining whether a food poses a significant and unacceptable choking hazard.

(b) AGE-SPECIFIC CRITERIA. — In carrying out paragraph (a), the Task Force shall establish age-different criteria for choking hazards.

(3) PUBLIC COMMENT. — There shall be a 90-day public comment period after the criteria under paragraph (a) which to be announced by the Task Force.

SECTION 5. *Database of Complaints.* — The BFAD, in consultation with other pertinent agencies, shall ensure that there is in operation a national database of food choking incidents.

The BFAD shall provide for an adequate reporting system throughout its field offices, which members of the health care profession and general public can readily access to report new incidents.

SECTION 6. *Reports to Congress.* — The BFAD shall regularly submit reports to the appropriate Committees of the Senate and the House of Representatives regarding the implementation of this Act.

SECTION 7. *Separability Clause.* — If any provision or part hereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SECTION 8. *Repealing Clause.* — Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent with, the provision of this Act is hereby repealed, modified, or amended accordingly.

Section 9. *Effectivity Clause.* — This Act shall take effect fifteen (15) days after its publication or in at least two (2) newspapers of general circulation.

Approved,

/alp