

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

15 APR 16 P2:21

SENATE
S. No. 2725

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Introduced by Senator Miriam Defensor Santiago

AN ACT
REGULATING PERSONAL TRAINING AND GROUP FITNESS INSTRUCTION

EXPLANATORY NOTE

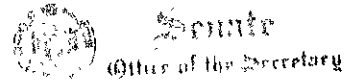
The fitness industry has been thriving in the Philippines over the years. Despite the increasing number of health clubs, fitness centers, and training studios, a law regulating the personal training and group fitness instruction has yet to be passed. Regulation of the industry serves a two-fold purpose. First, it protects those availing the services of fitness professionals by ensuring that their trainer or instructor possesses knowledge and competency sufficient to meet his/her clients' needs. Second, it opens up more opportunities for fitness professionals since it enhances the public's confidence in the industry by guaranteeing the clients quality service from effective practitioners.

This Bill creates a Board of Fitness Professionals that will regulate personal training and group fitness instruction, and adopt a code of ethics and standards of practice for licensed fitness professionals.¹

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO
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¹ This bill is based on Senate Bill 2164 proposed in the State of New Jersey during the 213th Legislature by Senator Paul A. Sarlo.

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

1 AN ACT
2 REGULATING PERSONAL TRAINING AND GROUP FITNESS INSTRUCTION

3 SECTION 1. *Short Title.* – This Act shall be known as the “Fitness Professionals
4 Licensing Act.”

5 SECTION 2. *Declaration of Policy.* – It is hereby declared the policy of the State
6 to promote the fitness industry and to protect the interest of its consumers. Toward this
7 end, personal training and group fitness instruction shall be regulated by the State.

8 SECTION 3. *Definitions.* – In this Act, the term—

9 (a) “Board” means the Board of Fitness Professionals;

10 (b) “Exercise facility” means a health club, fitness center, wellness center,
11 private personal training studio, yoga studio, martial arts studio, Pilates studio, or any
12 facility that sells or offers for sale group exercise instruction. An exercise facility shall
13 not include medical offices, chiropractor offices, physical therapy centers, or any
14 facility that operates as a non-profit entity;

1 (c) "Fitness professional" means a personal trainer or a group fitness
2 instructor who is licensed as a fitness professional pursuant to the provisions of this
3 Act.

4 (d) "Group fitness instructor" means an individual who instructs more than
5 one person at one time, with or without equipment, in exercises designed to improve
6 cardiovascular conditioning, muscular strength, flexibility and weight loss in classes
7 that include, but are not limited to, martial arts, Pilates, yoga, kickboxing, boot camp,
8 spinning and any other group class that is taught at an exercise facility; and

9 (e) "Personal trainer" means a person who evaluates an individual's health
10 and physical fitness; develops a personal exercise plan or program for an individual;
11 and demonstrates, with or without equipment, exercises designed to improve
12 cardiovascular condition muscular strength, flexibility and weight loss.

13 SECTION 4. *Board of Fitness Professionals.* – (a) There shall be a Board of
14 Fitness Professionals consisting of five members, who shall be appointed by the
15 President of the Philippines.

16 (b) The members of the Board shall:

17 (1) be citizens of the Philippines;

18 (2) not be connected, directly or indirectly, in the wholesale business
19 of the manufacture, rental, sale or distribution of exercise and
20 fitness equipment; and

21 (3) not be affiliated with any exercise facility.

22 (c) At least two members shall have been actively engaged in practice as a
23 fitness professional for at least five years immediately preceding their appointment,
24 and except for the members first appointed, shall be licensed as fitness professionals

1 pursuant to this Act. Those first appointed shall possess a bachelor's degree in physical
2 education, exercise science, exercise physiology or adult fitness.

3 At least one member shall be a licensed physician.

4 (c) Members of the Board shall be appointed for the term of four years. No
5 person shall serve as a member of the Board for more than two consecutive terms.

6 Of the members first appointed, one shall serve for a term of one year;
7 one for a term of two years; one, who shall be a fitness professional, for a term of
8 three years; two, one of whom is a fitness professional, for a term of four years.

9 (d) Any Board member who misses three consecutive meetings in a row
10 shall be considered to have vacated their position and may be replaced by the
11 President.

12 (e) Vacancies for any cause shall be filled by the President for the unexpired
13 term.

14 SECTION 5. *Officers of the Board.* – The Board shall elect a chairperson, vice
15 chairperson and secretary during the first official Board meeting beginning each
16 calendar year. The vice chairperson shall assume the functions and duties of the
17 chairperson in the event the chairperson is unable to perform those functions and
18 duties.

19 SECTION 6. *Meetings.* – The Board shall hold meetings at least six times a
20 year, and at such times as it deems necessary. All meetings shall be open to the public,
21 except that the Board may hold executive sessions to prepare, approve, grade, or
22 administer examinations; and to conduct investigations and other license conditions. A
23 majority of the Board shall constitute a quorum, and the concurrence of a majority of
24 the members present shall be necessary to make any action of the Board valid.

1 SECTION 7. *Powers.* – The Board shall have the powers necessary to carry out
2 and perform the purposes and provisions of this Act, in addition to other powers and
3 duties granted in this Act, and may:

- 4 (a) Adopt rules and regulations necessary to implement this Act;
- 5 (b) Issue licenses and renew licenses of duly qualified applicants;
- 6 (c) Deny a license to unqualified applicants;
- 7 (d) Establish fees for issuance of licenses, examinations, and inspections;
- 8 (e) Adopt and use a common seal for the authentication of its records and
9 modify it;
- 10 (f) Investigate alleged violations of this Act and consumer complaints
11 involving the practice of exercise instruction;
- 12 (g) Conduct random and targeted health and safety inspections of exercise
13 facilities;
- 14 (h) Issue subpoenas, orders, stipulated agreements, and any other
15 administrative remedies necessary to enforce this Act;
- 16 (i) Conduct all disciplinary proceedings, impose sanctions, and assess fines
17 for violations of this Act or any rules adopted under it;
- 18 (j) Prepare and administer, or approve, the preparation and administration of
19 licensing examinations;
- 20 (k) Adopt and publish a code of ethics and standards of practice for licensed
21 fitness professionals;
- 22 (l) Establish minimum safety standards for fitness professionals and exercise
23 facilities;
- 24 (m) Establish standards for the continuing education of fitness professionals;
- 25 (n) Establish by rule the procedures for reexamination; and

1 (o) Administer exams for licensure for fitness professionals.

2 SECTION 8. *Examination.* – The Board shall administer the national
3 examination that consists of a written and a practical component. Announcement of
4 examinations must be made 30 days prior to date of examination through letters, print,
5 and the electronic media. Examination shall be administered twice a year. The passing
6 score in the examination shall be as recommended by the national examination, and
7 approved by the Board.

8 SECTION 9. *Records.* – The Board shall keep a record of its proceedings
9 relating to its public and executive meetings, meetings of committees, and records
10 relating to the issuance, refusal, renewal, suspension and revocation of licenses and
11 any other applicable documents. The Board shall keep a registration of record of such
12 licenses containing the name, address, license number, and date issued. This record
13 shall also contain any facts as the applicants may have stated in their application for
14 examination for licensure.

15 SECTION 10. *Practice Outside of Facility.* – This Act does not prohibit a
16 licensed fitness professional to practice outside of a licensed exercise facility.

17 SECTION 11. *Application for Examination and Registration.* – (a) Each person
18 who desires to be a fitness professional shall file with the Board a written
19 application under oath on a form approved by the Board.

20 Examinations shall be given at least two times a year or as necessary as
21 designated by the Board. The Board shall establish rules for reexamination to include
22 completion of a refresher program after two unsuccessful examinations.

1 SECTION 12. *Eligibility for Licensure.* To be eligible for licensure as a fitness
2 professional, an applicant shall, in addition to other requirements as may be prescribed
3 by the Board:

4 (a) be of good moral character, and has not been convicted of a crime
5 involving moral turpitude; and

6 (b) have been engaged as a personal trainer or a group fitness instructor prior
7 to the effectivity of this Act; have successfully completed an approved course of study
8 as prescribed by the Board after consultation with the Commission on Higher
9 Education, the Technical Education and Skills Development Authority, and the
10 Department of Labor and Employment; or possess a bachelor's degree in physical
11 education, exercise science, exercise physiology, or adult fitness
12

13 SECTION 13. *Expiration and Renewal of Licenses.* – The board shall by rule or
14 regulation establish, prescribe or change the fees for licenses, renewals of licenses or
15 other services provided by the board pursuant to the provisions of this Act. Licenses
16 shall be issued for a period of two years and be biennially renewable, except that the
17 Board may, in order to stagger the expiration dates thereof, provide that those licenses
18 first issued or renewed after the effective date of this Act shall expire or become void
19 on a date fixed by the board, not sooner than six months nor later than 29 months after
20 the date of issue.

21 Fees shall be established, prescribed or changed by the Board to the extent
22 necessary to defray all proper expenses incurred by the Board, and any staff employed
23 to administer this Act, except that fees shall not be fixed at a level that will raise
24 amounts in excess of the amount estimated to be so required.

25 The Board may require each fitness professional, as a condition for biennial

1 license renewal to complete continuing education requirements imposed by the Board.

2 SECTION 14. *Licensing of Exercise Facilities.* – (a) Every business engaged in
3 providing the services of fitness professionals shall register biennially with the Board
4 as a condition of doing business.

5 b. A written application for registration shall be made to the Board on the
6 form prescribed by the Board and shall contain the following information:

7 (1) The name and residence or principal place of business of the
8 owner or operator of the business engaged in providing the services of fitness
9 professionals;

10 (2) The name and license number of any fitness professional
11 employed by the business or any fitness professional who uses the exercise facility to
12 provide personal training or group fitness instruction as an independent contractor;

13 (3) The municipality and location of the primary place of business of
14 the business engaged in providing the services of fitness professionals and the
15 locations of all other branches of the business; and

16 (4) Any other biographical information of the applicant as required by
17 the Board.

18 c. Each applicant for registration and each registrant pursuant to the
19 provisions of this Section shall pay to the Board a fee for the issuance of a two-year
20 registration in the amount established by the Board.

21 SECTION 15. *Professional Specialty Designation.* A professional specialty
22 designation may be added by the Board to the licensed fitness professional's
23 credentials issued by the Board upon demonstration to the Board that the applicant has
24 met the recognized minimum standards for that specialty designation as established by

1 the Board. A licensed professional counselor shall not claim or advertise a counseling
2 specialty and shall not incorporate the specialty designation into his professional title
3 unless the qualifications of that specialty have been met as determined by the Board.
4

5 SECTION 16. *Prohibition Against Employment of Unlicensed Personnel.* – It is
6 unlawful for any person, firm, corporation, or any other entity to hire, employ, or allow
7 to be employed, or permit to work, in or about an establishment, any person who
8 performs or practices exercise instruction regulated under this Act who is not duly
9 licensed by the Board. Any person(s) violating this Section shall be punished with a
10 fine of one hundred thousand pesos (P100,000.00).

11 SECTION 17. *Revocation and Suspension.* – The board may suspend or revoke
12 the registration of an employer offering personal training or group fitness instruction
13 upon proof showing by a preponderance of the evidence that the employer:

14 (a) has made false or misleading statements of a material nature in the
15 application for registration; or

16 (b) failed to demonstrate that each employee of the business engaged in
17 providing the services of fitness professionals and is in possession of a license to
18 practice as a fitness professional.

19 SECTION 18. *Penalty.* – Any person who provides personal training or group
20 fitness instruction, or maintains an exercise facility without a license as provided by
21 this Act shall be fined with one hundred thousand pesos (P100,000.00).

22 Persons who have been engaged as a personal trainer or a group fitness
23 instructor prior to the effectivity of this Act may continue to do so for one year within
24 which period he/she shall have secured a license from the Board. Exercise facilities

1 that have been in operation prior to the effectivity of this Act shall be given six
2 months from the date of effectivity of this Act to secure a license.

3 SECTION 19. *Separability Clause.* – If any provision or part hereof is held invalid
4 or unconstitutional, the remainder of the law or the provision not otherwise affected shall
5 remain valid and subsisting.

6 SECTION 20. *Repealing Clause.* – Any law, presidential decree or issuance,
7 executive order, letter of instruction, administrative order, rule, or regulation contrary to
8 or inconsistent with the provisions of this Act is hereby repealed, modified, or amended
9 accordingly.

10 SECTION 21. *Effectivity Clause.* – This Act shall take effect 15 days after its
11 publication in at least two newspapers of general circulation.

Approved,

/tmdp16March2015