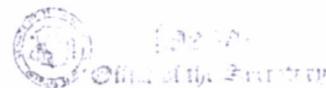


SEVENTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
Third Regular Session )



'19 JAN 23 A9:42

SENATE

RECEIVED

COMMITTEE REPORT NO. 564

Submitted by the Committees on Trade, Commerce and Entrepreneurship; and Health and Demography on JAN 23 2019.

Re: Senate Bill No. 2170 Prepared by the Committees

Recommending its approval in substitution of Senate Bill No. 1844

Sponsor: Senator Aquilino "Koko" Pimentel III

**Mr. President:**

The Committees on Trade, Commerce and Entrepreneurship; and Health and Demography to which were referred Senate Bill No. **1844**, introduced by Senator Binay, *entitled*:

**"AN ACT PROHIBITING THE USE OF BPA IN BABY FOOD PACKAGING AND CONTAINERS, PROVIDING FOR ITS REPLACEMENT WITH THE LEAST TOXIC ALTERNATIVE"**

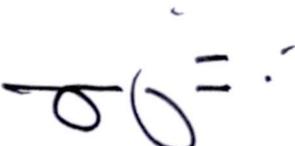
have considered the same and have the honor to report it back to the Senate with the recommendation that the attached Senate Bill No. 2170 prepared by the Committees, *entitled*:

**"AN ACT PROHIBITING THE USE OF BPA IN BABY FOOD PACKAGING, CONTAINERS, AND OTHER CHILD CARE ARTICLES, PROVIDING FOR ITS REPLACEMENT WITH SAFER ALTERNATIVES"**

be approved in substitution of Senate Bill No. 1844, with Senators Binay and Pimentel III as authors thereof.

Respectfully submitted:

*Chairpersons*

  
**SEN. JOSEPH VICTOR G. EJERCITO**  
*Committee on Health and Demography*

  
**SEN. AQUILINO "KOKO" PIMENTEL III**  
*Committee on Trade, Commerce and Entrepreneurship*

*Vice-Chairpersons*

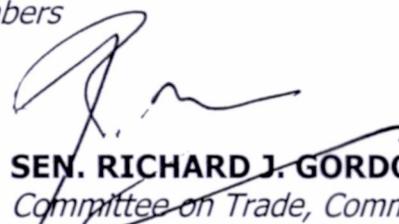
  
**SEN. RISA HONTIVEROS**  
*Committee on Health and Demography*

  
**SEN. WIN GATCHALIAN**  
*Committee on Trade, Commerce and Entrepreneurship*

  
**SEN. GREGORIO B. HONASAN II**  
*Committee on Health and Demography*

Members

**SEN. JOEL VILLANUEVA**  
*Committee on Health and Demography*



**SEN. RICHARD J. GORDON**  
*Committee on Trade, Commerce and  
Entrepreneurship  
Committee on Health and Demography*



**SEN. MARIA LOURDES NANCY S. BINAY**  
*Committee on Health and Demography*

**SEN. CYNTHIA A. VILLAR**  
*Committee on Trade, Commerce and  
Entrepreneurship*

**SEN. FRANCIS "CHIZ" G. ESCUDERO**  
*Committee on Health and Demography*



**SEN. LOREN B. LEGARDA**  
*Committee on Trade, Commerce and  
Entrepreneurship  
Committee on Health and Demography*



**SEN. ANTONIO "SONNY" F. TRILLANES IV**  
*Committee on Health and Demography*

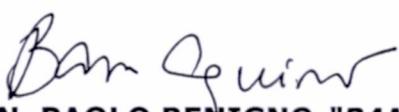
**SEN. GRACE POE**  
*Committee on Trade, Commerce and  
Entrepreneurship*

**SEN. LEILA M. DE LIMA**  
*Committee on Health and Demography*



**SEN. SONNY ANGARA**  
*Committee on Trade, Commerce and  
Entrepreneurship  
Committee on Health and Demography*

**SEN. FRANCIS "KIKO" PANGILINAN**  
*Committee on Trade, Commerce and  
Entrepreneurship*



**SEN. PAOLO BENIGNO "BAM" AQUINO IV**  
*Committee on Trade, Commerce and  
Entrepreneurship*

*Ex-Officio Members:*



**SEN. RALPH G. RECTO**  
President Pro-Tempore

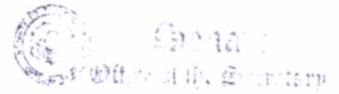


**SEN. JUAN MIGUEL "MIGZ" F.  
ZUBIRI**  
Majority Floor Leader



**SEN. FRANKLIN M. DRILON**  
Minority Floor Leader

**HON. VICENTE SOTTO III**  
Senate President  
Senate of the Philippines  
Pasay City



'19 JAN 23 A9 :42

SENATE

S.B. NO. 2170

RECEIVED

(In Substitution of Senate Bill No. 1844)

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Prepared by the Committees on Trade, Commerce and Entrepreneurship; and  
Health and Demography, with Senators Binay and Pimentel III as authors  
thereof

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**AN ACT**  
**PROHIBITING THE USE OF BPA IN BABY FOOD PACKAGING,**  
**CONTAINERS, AND OTHER CHILD CARE ARTICLES, PROVIDING FOR**  
**ITS REPLACEMENT WITH SAFER ALTERNATIVES**

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

1           **Section 1. Short Title.** – This Act shall be known as the "BPA in Child  
2 Care Articles Prohibition Act."

3           **Sec. 2. Declaration of Policy.** – It is the policy of the State to  
4 protect and promote the right to health of the people and instill health  
5 consciousness among them.

6           It is also the policy of the State to protect consumers from trade  
7 malpractices and from substandard or hazardous products.

8           **Sec. 3. Definitions.** – As used in this Act, the following words or  
9 terms shall have the following meaning:

10           a) **Baby Food** – refers to prepared food consisting of a soft paste  
11 or an easily chewed food that is intended for consumption by  
12 infants and children.

- 1           b) **BPA or Bisphenol A** - an industrial chemical compound  
2           C<sub>15</sub>H<sub>16</sub>O<sub>2</sub> that is a component especially of hard plastics (such  
3           as polycarbonate) and epoxy resins.
- 4           c) **Infant Formula** - breastmilk substitutes formulated  
5           industrially in accordance with applicable Codex Alimentarius  
6           standards to satisfy the normal nutritional requirements of  
7           infants between four (4) to six (6) months of age and adapted  
8           to their physiological characteristics. It may be a milk-based or  
9           soy-based powder, concentrated liquid or ready-to-feed  
10          substitute for human breast milk, that is intended for infant  
11          consumption.
- 12          d) **Baby Food or Beverage Container** - a receptacle for  
13          storing baby food or beverages, including baby bottles and  
14          spill-proof cups. It may be reusable or disposable once used.
- 15          e) **Child Care Article** - a consumer product designed or intended  
16          by a manufacturer for the feeding of children, to facilitate sleep  
17          or to help children with sucking or teething. This includes baby  
18          food packaging, containers and other baby products.

19          **Sec. 4. Ban on BPA in Child Care Articles** – No person or entity  
20 shall manufacture, sell, import or distribute in commerce:

- 21          1. Any baby food or beverage packaging, container, or any child care  
22          article containing BPA; and
- 23          2. Any infant formula or baby food stored in a packaging, container, or  
24          child care article containing BPA.

25          **Sec. 5. Use of Safer Alternatives.** – Manufacturers of child care  
26 articles are duty-bound to use safer alternatives as replacement of BPA in  
27 accordance with this Act. Manufacturers shall not replace BPA with substances  
28 that are known carcinogens, have carcinogenic potentials, likely carcinogens,  
29 known to be human carcinogens, likely to be human carcinogens, or  
30 suggestive of being carcinogens, and those with reproductive toxicants that  
31 the Department of Health (DOH) has identified as causing birth defects,  
32 reproductive harm, or developmental harm.

1           **SEC. 6. Creation of Information System on BPA and other**  
2 **Harmful and Toxic Chemicals.** - The Food and Drug Administration (FDA)  
3 shall create an information system, that can be accessed by the public,  
4 containing all information about BPA, and other harmful and toxic chemicals  
5 that can be found in child care articles, and of issuances and regulations  
6 related thereto.

7           **Sec. 7. Public Information on BPA.** - The Department of Trade and  
8 Industry (DTI), in coordination with the DOH, and the Philippine Information  
9 Agency (PIA), shall develop a public information and communication  
10 campaign about BPA and other harmful and toxic chemicals found in child  
11 care articles and other baby products. The campaign is aimed at encouraging  
12 all concerned stakeholders to prevent the use of BPA and other toxic  
13 chemicals in baby food or beverage containers, and other child care articles,  
14 and encourage science-based method in search for alternatives or substitutes  
15 for BPA.

16           **Sec. 8. Penalties for Violations.** - Whenever it is found that a baby  
17 food or beverage packaging, container, or child care article is injurious,  
18 unsafe, or dangerous as it contains BPA, or when an infant formula or baby  
19 food is stored in a container or packaging containing BPA, the DTI shall, after  
20 due notice and hearing, make the appropriate order for its recall, prohibition,  
21 or seizure from public sale or distribution: Provided, that, in its sound  
22 discretion, it may declare the above-mentioned products as imminently  
23 injurious, unsafe or dangerous, and order its immediate recall, ban or seizure  
24 from public sale or distribution, in which case, the seller, distributor,  
25 manufacturer or producer thereof shall be afforded a hearing within forty-  
26 eight (48) hours from such order.

27           Any person, natural or juridical, who shall violate the prohibition  
28 provided under this act shall be subject to a fine of not less than Fifty  
29 Thousand Pesos (P50,000.00) but not more than Three Hundred Thousand  
30 Pesos (P300,000.00) or by imprisonment of not less than one (1) year but not  
31 more than five (5) years or both, upon the discretion of the court.

1 In case the offender is a juridical person, the President, Secretary,  
2 Treasurer, and such other officers or persons responsible for the offense,  
3 shall be liable for the penalty of imprisonment.

4 If the seller, distributor or manufacturer of injurious products  
5 containing BPA is a foreigner, he shall be deported after service of sentence  
6 and payment of fine without further deportation proceedings.

7 **Sec 9. *Implementing Agency***- The DTI in coordination with DOH  
8 and the Department of Interior Local Government (DILG), shall enforce the  
9 provisions of this Act.

10 **Sec 10. *Separability Clause***. – If any provision or part hereof is held  
11 invalid or unconstitutional, the remainder of the law or the provisions not  
12 otherwise affected shall remain valid and subsisting.

13 **Sec. 11. *Repealing Clause***. – Any law, presidential decree or  
14 issuance, executive order, letter of instruction, administrative order, rule, or  
15 regulation contrary to or inconsistent with the provisions of this Act is hereby  
16 repealed, modified, or amended accordingly.

17 **Sec. 12. *Effectivity Clause***. – This Act shall take effect fifteen (15)  
18 days after its publication in at least two (2) newspapers of general circulation.

Approved,