

SENATE
S.B. No. 50

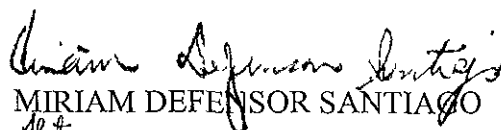
Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

Unintentional injuries are the leading cause of death among children. In the United States, as of March 2007, an average of 50 children under the age of 5 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 5 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 5 years associated with strollers alone.

Here in the Philippines, we lack product standards to protect our toddlers and infants from similar incident. 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.


MIRIAM DEFENSOR SANTIAGO
elect

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

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SENATE
S.B. No. 300



Introduced by Senator Miriam Defensor Santiago

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

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

SECTION 1. *Short Title.* – This Act shall be known as “Infant and Toddler Durable Product Safety Act of 2007.”

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

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

SECTION 4. *Definition of Terms.* – As used in this section, the term –

(1) "Durable Infant or Toddler Product" means a durable product intended for use, or that may be reasonably expected to be used, by children under the age of 5 years; and includes--

- (i) full-size cribs and non-full-size cribs;
- (ii) toddler beds;
- (iii) high chairs, booster chairs, and hook-on chairs;
- (iv) bath seats;
- (v) gates and other enclosures for confining a child;
- (vi) play yards;
- (vii) stationary activity centers;
- (viii) infant carriers;
- (ix) strollers;
- (x) walkers;
- (xi) swings; and
- (xii) bassinets and cradles.

(2) "Panel" means the Infant and Toddler Product Review Panel established under section 7.

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

(B) The Department of Trade and Industry shall promulgate consumer product safety standards under this section--

(1) for at least 7 durable infant or toddler products every 2 calendar years beginning after the date of the enactment of this Act, through 2013; and

(2) for all durable infant or toddler products by not later than December 31, 2013.

(C) Consultation with Panel- The Department of Trade and Industry shall promulgate any consumer product safety standard under this section for a durable infant or toddler product--

(1) in consultation with the Panel; and

(2) after considering the results of a review by such panel of any existing guidelines for that product.

SECTION 6. Durable Infant and Toddler Product Compliance Certification. --

(A) In General- The Department of Trade and Industry shall by rule--

(1) require that testing and certification for a durable infant or toddler product shall be performed by an independent third party; and

(2) require the use, and prescribe the form and content, of a label, including a seal.

(B) Consultation With Panel- The Department of Trade and Industry shall delegate to the Panel the authority to prescribe a seal that shall be used, under the labeling

requirements under subsection (A)(2), for infant or toddler products that are certified to comply with applicable consumer product safety standards promulgated under this Act.

SECTION 7. *Infant and Toddler Product Review Panel.* – (A) The Department of Trade and Industry shall establish an Infant and Toddler Product Review Panel to advise the Department of Trade and Industry regarding the implementation of this Act.

(B) Functions- The Panel shall--

(1) review and report to the Department of Trade and Industry regarding the existing guidelines for durable infant or toddler products; and

(2) advise the Department of Trade and Industry regarding the promulgation of consumer product safety standards under this Act.

(C) Membership-

(1) The Panel shall be comprised of--

(a) representatives of--

(i) the juvenile product manufacturers industry;

(ii) consumer groups; and

(iii) independent child product engineers and experts; and

(b) Consumer Product Safety Commission engineers.

(2) Representatives under any of the categories in subsection (a) shall not exceed 40 percent of the membership of the Panel.

SECTION 8. *Separability Clause.* – If any provision or part thereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

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

SECTION 10. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,