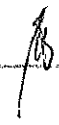


FOURTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

8 MAY -7 PM '08

SENATE
S. No. **2260**

RECEIVED BY: 


Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

In a study conducted by the Department of Pediatrics, Ohio State University College of Medicine and Public Health, Center for Injury Research and Policy of the Columbus Children's Research Institute of the Children's Hospital in Columbus, Ohio, USA, it was found that:

"The proportion of head injuries among ice-skaters in this study was greater than that observed for participants in other types of skating, for which helmet use is recommended and often required. Children should wear a helmet during recreational ice-skating. Mandatory helmet use by pediatric ice-skaters at indoor rinks should be implemented. Use of other types of protective equipment, such as wrist guards, knee pads, and elbow pads, should be considered for prevention of injuries to the extremities during ice-skating. Caution should be used when allowing young children to participate in recreational ice-skating. Additional research should be conducted in other populations, to corroborate these findings and to evaluate ice-skating safety recommendations for children."*

To prevent such injuries from happening to ice skaters in the Philippines, this bill seeks to require persons under fourteen (14) years of age who ice skate to wear protective helmets. It likewise seeks to require ice skating facilities to supply helmets and helmet safety information.


MIRIAM DEFENSOR SANTIAGO
acs

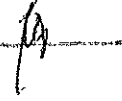
* <http://pediatrics.aappublications.org/cgi/content/full/114/1/124>

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1 AN ACT
2 REQUIRING PERSONS UNDER FOURTEEN (14) YEARS OF AGE WHO ICE SKATE TO
3 WEAR PROTECTIVE HELMETS, AND FOR ICE SKATING FACILITIES TO SUPPLY
4 HELMETS AND HELMET SAFETY INFORMATION

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

7 SECTION 1. *Short Title.* – This Act shall be known as the “Ice Skating Safety Act of
8 2008.”

9 SECTION 2. *Declaration of Policy.* – It is the policy of the State to promote the
10 general welfare of the people. Pursuant to this policy, this Act seeks to require persons under
11 fourteen (14) years of age who ice skate to wear protective helmets. It likewise seeks to require
12 ice skating facilities to supply helmets and helmet safety information.

13 SECTION 3. *Definition of Terms.* – For the purposes of this Act, the term:

14 (A) “Ice skating facility” means any person, proprietor, lessee, firm, corporation,
15 municipality or other legal entity operating an ice skating rink which provides facilities to ice
16 skate for consideration.

17 (B) “Wearing a helmet” means having a helmet fastened securely upon the head using the
18 manufacturer’s fitting guidelines for the particular model used.

19 SECTION 4. *Wearing of Helmet Required While Ice Skating.* – No person less than
20 fourteen (14) years of age shall ice skate unless such person is wearing a protective helmet;
21 Provided, however, that any person less than fourteen (14) years of age who under the
22 supervision of a coach is practicing for an organized figure skating competition or is
23 participating in such competition shall not be required to wear a protective helmet.

1 SECTION 5. *Ice Skating Facility; Renting of Helmets.* – (A) Every ice skating facility
2 shall require persons less than fourteen (14) years of age to wear a protective helmet while ice
3 skating; Provided, however, that any person less than fourteen (14) years of age who under the
4 supervision of a coach is practicing for an organized figure skating competition or is
5 participating in such competition shall not be required to wear a protective helmet.

6 (B) Every ice skating facility shall provide protective helmets to persons less than
7 fourteen (14) years of age at a rental fee not to exceed One Hundred Fifty Pesos (P150.00) and
8 shall provide appropriate protective helmet safety information.

9 SECTION 6. *Penalties.* (A) Any person who violates the provision of this section shall
10 pay a fine not to exceed Five Thousand Pesos (P5,000.00). Summons shall be issued for a
11 violation of this section by a person less than fourteen (14) years of age to the parent or guardian
12 of such person if the violation by such person occurs in the presence of such person’s parent or
13 guardian and where such parent or guardian is eighteen years of age or more. Such summons
14 shall only be issued to such parent or guardian, and shall not be issued to the person less than
15 fourteen years of age.

16 (B) The court shall waive any fine for which a person who violates the provisions of this
17 section would be liable if such person supplies the court with proof that between the date of
18 violation and the appearance date for such violation such person purchased or rented a helmet.

19 (C) The court may waive any fine for which a person who violates the provisions of this
20 act would be liable if the court finds that due to reasons of economic hardship such person was
21 unable to purchase a helmet.

22 SECTION 7. *Effect on Recovery of Damages; Contributory Negligence.* – The failure of
23 any person to comply with the provisions of this section shall not constitute contributory
24 negligence or assumption of risk, and shall not in any way bar, preclude or foreclose an action
25 for personal injury or wrongful death by or on behalf of such person, nor in any way diminish or
26 reduce the damages recoverable in any such action.

1 SECTION 8. *Implementing Rules and Regulations.* Not later than ninety (90) days from
2 the passage of this act, the secretary of health shall promulgate rules and regulations to
3 implement the provisions of this Act.

4 SECTION 9. *Separability Clause.* – If any part hereof, is held invalid or unconstitutional,
5 the remainder of the provision not otherwise affected shall remain valid and subsisting.

6 SECTION 10. *Repealing Clause.* – Any law, presidential decree or issuance, executive
7 order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent
8 with, the provisions of this Act is hereby repealed, modified or amended accordingly.

9 SECTION 11. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its
10 publication in at least two (2) newspapers of general circulation.

11 Approved,

/rgs