

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

15th Congress
First Regular Session

HOUSE BILL NO. 1860

Introduced by Honorable Antonio F. Lagdameo, Jr.

EXPLANATORY NOTE

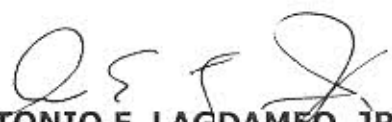
Section 15, Article II (*Declaration of Principles and State Policies*) of the 1987 Constitution states:

"Sec. 15. The State shall protect and promote the right to health of the people and instill health consciousness among them."

This bill seeks to regulate the sale, manufacture, distribution and use of laser pointers. The laser pointers are hand-held, pen-like devices that project a beam of laser light popularly used by lecturers during presentations. However, these pointers have become accessibly misused by students in classrooms or by children at home with less awareness on the health risks from use of such device.

The proposed measure provides restrictions on the seller, manufacturers, and distributors of laser pointers by adopting safety standards and classifications to avoid possible damage or injury to the general public. With the proliferation of these dangerous items in the Philippines, this bill therefore, aims to protect adults and children as the immediate victims of these devices by imposing penalties to manufacturers and distributors who shall fail to disseminate their products in a safe manner.

In view of the foregoing, approval of this bill is earnestly sought.


ANTONIO F. LAGDAMEO, JR.

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AN ACT
REGULATING THE SALE, MANUFACTURE, DISTRIBUTION AND USE OF LASER
POINTERS, PROVIDING PENALTIES FOR VIOLATION THEREOF AND FOR
OTHER PURPOSES

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 “*Laser Pointer Regulation Act.*”

SEC. 2. **Declaration of Policy.** – It is hereby declared the policy of the State to protect and promote the right to health of the people and instill health consciousness among them. Towards this end, the State shall endeavor to adopt measures on safety standards and classification of laser pointers in order to minimize risk of accidental exposure to radiation capable of causing injury to both the eyes and the skin.

SEC. 3. **Types of Laser Pointer Devices Allowed in this Act.** – As used in this Act, the term laser pointer means any portable, battery-operated, hand-held laser devices used by lecturers during presentations and emits a red colored light at wavelengths between 630 and 670 nanometers (nm) classified as follows:

- i. *Class 1* laser product means any laser pointer which has an output power that is below the level at which eye injury can occur;
- ii. *Class 2* laser product means any laser pointer which emits visible light and limited to a maximum output power of 1-milliwatt (mW);
- iii. *Class 3A* laser product means any laser pointer which has a maximum output power of 5 mW;

SEC. 4. **Prohibited Types of Laser Pointer Devices.** – The sale, manufacture, distribution and use of the other types of laser pointer devices not mentioned in the preceding section, such as the following and their equivalent are hereby prohibited:

- a. *Class 3B* laser product means any laser pointer which has an output power up to 500 mW sufficient to cause eye injury; and
- b. *Class 4* laser product means any laser pointer which has an output power greater than 500 mW and are capable of causing injury to both the eye and skin and considered a fire hazard if sufficiently high output powers are used.

SEC. 5. **Unlawful Sale, Manufacture, Distribution and Use of Laser Pointers.** – It shall be unlawful for any person or entity:

- a. To directly point a beam of laser light from a laser pointer at:
 - i. any person causing permanent eye damage;
 - ii. occupants of any moving motor vehicle or an aircraft in flight or during disembarkation; and
 - iii. any vessel at sea or in ports;

b. To engage in the sale, manufacture, distribution and use of laser pointers without license and permit issued by the Department of Trade and Industry;

c. To manufacture, sell, distribute and use prohibited hazardous laser devices such as, but not limited to Class 3B and Class 4 laser products and their equivalent; and

d. To import high powered laser pointer in the Philippines.

SEC. 6. **Penalties.** – Any person or entity which shall violate any provisions of this Act shall be punished by the following:

a. Fine of Twenty thousand pesos (₱20,000.00) for the first offense;

b. Fine of Fifty thousand pesos (₱50,000.00) for the second offense;

c. Imprisonment ranging from six (6) months to one (1) year and a fine of One hundred thousand pesos (₱100,000.00) for the third offense; and

d. In the case of the entity, revocation and cancellation of the license and permit and a fine of Five hundred thousand pesos (₱500,000.00) for the fourth offense.

e. Imprisonment ranging from six (6) years to twelve (12) years and a fine ranging from Twenty thousand pesos (₱20,000.00) but not exceeding One hundred thousand pesos (₱100,000.00) shall be imposed upon any person who shall commit such violations under any of the following circumstances:

i. Whenever the victim is below twelve (12) years of age;

ii. Whenever it is aimed at persons in authority or their agents; and

iii. Whenever it is used in the commission of a crime, to disable the victim;

Provided, That when the offender is a child, the parents shall be liable for the damages after their negligence has been established.

SEC. 7. **License and Permit Requirements.** – Any person or entity who shall engage in the sale, manufacture or distribution of laser pointers shall be required to secure the necessary license and permit from the Secretary of Trade and Industry. The license and permit shall be issued upon compliance with the following requirements:

a. Application must be in writing, signed by the applicant or his duly authorized representative;

b. Payment of regulatory fees and charges;

c. Submission of Safety Standards and Classification which shall specify requirements such as product labeling and safety information for dissemination to consumers; and

d. Submission of proof that laser pointer devices bear labels indicating the name and address of manufacturers and safety instructions written in Filipino and English.

SEC. 8. **Implementing Rules and Regulations.** – The Secretary of Trade and Industry shall, in coordination with the Secretary of Health, issue the necessary rules and regulations for the effective implementation of this Act.

SEC. 9. **Separability Clause.** – If for any reason, any part or provision of this Act is declared invalid or unconstitutional, the remaining parts or provisions not affected thereby shall remain in full force and effect.

SEC. 10. **Repealing Clause.** – All laws, decrees, orders, rules and regulations and other issuances or parts thereof which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

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

Approved,