

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

SIXTEENTH CONGRESS
Third Regular Session

House Bill No. **6378**



Introduced by **Congressman Alfredo D. Vargas III**

EXPLANATORY NOTE

The Philippines, over the decades, has had a thriving fitness industry. But a law regulating the personal training and group fitness instruction has yet to be enacted. This is despite the mushrooming number of health clubs, fitness centers and training studios.

The industry's regulation shall serve the following purpose:

- a) To protect anyone who wishes to avail the services of fitness professionals by ensuring that the trainer or instructor possesses competency and knowledge adequate to meet the clients' needs.
- b) To open up more opportunities for fitness professionals as it ensures the public's confidence in the industry by guaranteeing quality service to clients.

This proposed measure shall create a Board of Fitness Professionals to regulate personal training and group fitness instruction. It shall also adopt a code of ethics and standards of practice for licensed fitness professionals.

For these reasons, we urge the immediate passage of this bill.


ALFREDO D. VARGAS III

REPUBLIC OF THE PHILIPPINES

House of Representatives
Quezon City

16th Congress
3rd Regular Session

HOUSE BILL NO. 6378

Introduced by Congressman Alfredo D. Vargas III

AN ACT
REGULATING PERSONAL TRAINING AND GROUP FITNESS INSTRUCTION

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 the "Fitness Professionals Licensing Act."

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

SECTION 3. *Definitions.* - In this Act, the term -

- (a) "Board" means the Board of Fitness Professionals;
- (b) "Exercise facility" means a health club, fitness center, wellness center, private personal training studio, martial arts studio, Pilates studio, or any facility that sells or offers for sale group exercise instruction. An exercise facility shall not include medical offices, chiropractor offices, physical therapy centers, or any facility that operates as a non-profit entity;
- (c) "Fitness professional" means a personal trainer or a group fitness instructor who is licensed as a fitness professional pursuant to the provisions of this Act.
- (d) "Group fitness instructor" means an individual who instructs more than one person at one time, with or without equipment, in exercise designed to improve cardiovascular conditioning, muscular strength, flexibility and weight loss in classes that include, but are not limited to, martial arts, Pilates, yoga, kickboxing, boot camp, spinning and any other group class that is taught at an exercise facility; and

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

SECTION 4. *Board of Fitness Professionals.* – (a) There shall be a Board of Fitness Professionals consisting of five (5) members, who shall be appointed by the President of the Philippines.

(b) The members of the Board shall:

1. Be citizens of the Philippines;
2. Not be connected directly or indirectly, in the wholesale business of the manufacture, rental, sale or distribution of exercise and fitness equipment; and
3. Not be affiliated with any exercise facility.

(c) At least two (2) members shall have been actively engaged in practice as a fitness professional for at least five (5) years immediately preceding their appointment, and except for the members first appointed, shall be licensed as fitness professionals pursuant to this Act. Those first appointed shall possess a bachelor's degree in physical education, exercise science, exercise physiology or adult fitness.

At least one (1) member shall be a licensed physician.

(d) Members of the Board shall be appointed, one shall serve for a term of one (1) year; one for a term of two (2) years; one shall be a fitness professional, for a term of three (3) years, one of whom is a fitness professional, for a term of four (4) years.

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

(f) Vacancies for any cause shall be filled by the President for the unexpired term.

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

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

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

- a. Adopt rules and regulations necessary to implement this Act;
- b. Issue licenses and renew licenses of duly qualified applicants;
- c. Deny a license to unqualified applicants;
- d. Establish fees for issuance of licenses, examinations, and inspections;
- e. Adopt and use a common seal for the authentication of its records and modify it;
- f. Investigate alleged violations of this Act and consumer complaints involving the practice of exercise instruction;
- g. Conduct random and targeted health and safety inspections of exercise facilities;
- h. Issue subpoenas, orders, stipulated agreements, and any other administrative remedies necessary to enforce this Act;
- i. Conduct all disciplinary proceedings, impose sanctions, and assess fines for violations of this Act or any rule adopted under it;
- j. Prepare and administer, or approve, the preparation and administration of licensing examinations;
- k. Adopt and publish a code of ethics and standards of practice for licensed fitness professionals;

- l. Establish minimum safety standards for fitness professionals and exercise facilities;
- m. Establish standards for the continuing education of fitness professionals;
- n. Establish by rule the procedures for re-examination; and
- o. Administer exams for licensure for fitness professionals.

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

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

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

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

Examinations shall be given at least two times a year or as necessary as designated by the Board. The Board shall establish rules for re-examination to include completion or a refresher program after two unsuccessful examinations.

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

- a. Be of good moral character, and has not been convicted of a crime involving moral turpitude; and
- b. Has been engaged as a personal trainer or a group fitness instructor prior to the effectivity of this Act; have successfully completed an approved course of study as prescribed by the Board after consultation with the Commission on Higher

Education, the Technical and Skills Development Authority, and the Department of Labor and Employment; or possess a bachelor's degree in physical education, exercise science, exercise physiology, or adult fitness.

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

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

The Board may require each fitness professional, as a condition for biennial license renewal to complete continuing education requirements imposed by the Board.

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

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

1. The name and residence or principal place of business of the owner or operator of the business engaged in providing the services of fitness professionals;
2. The name and license number of any fitness professional employed by the business or any fitness professional who uses the exercise facility to provide personal training or group fitness instruction as an independent contractor;
3. The municipality and location of the primary place of business of the business engaged in providing the services of fitness professionals and the location of all other branches of the business; and
4. Any other biographical information of the applicant as required by the Board.

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

SECTION 15. *Professional Specialty Designation.* – A professional specialty designation may be added by the Board to the licensed fitness professional's credentials issued by the Board upon demonstration to the Board that the applicant has met the recognized minimum standards for that specialty designation as established by the Board. A licensed professional counsellor shall not claim or advertise a counselling specialty and shall not incorporate the specialty designation into his professional title unless the qualifications of that specialty have been met as determined by the Board.

SECTION 16. *Prohibition Against Employment of Unlicensed Personnel.* – It is unlawful for any person, firm, corporation, or any other entity to hire, employ, or allow to be employed, or permit to work, in or about an establishment, any person who performs or practices exercise instruction regulated under this Act who is not duly licensed by the Board. Any person(s) violating this Section shall be punished with a fine of one hundred thousand pesos (Php100,000.00).

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

- a. Has made false or misleading statements of material nature in the application for registration; or
- b. Failed to demonstrate that each employee of the business engaged in providing the services of fitness professionals is in possession of a license to practice as a fitness professional.

SECTION 18. *Penalty.* – Any person who provides personal training or group fitness instruction, or maintains an exercise facility without a license as provided by this Act shall be fined with one hundred thousand pesos (Php100,000.00).

Persons who have been engaged as a personal trainer or a group fitness instructor prior to the effectivity of this Act may continue to do so for one year within which period he/she should have secured a license from the Board. Exercise facilities that have been in operation prior to the effectivity of this Act shall be given six months from the date of effectivity of this Act to secure a license.

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

SECTION 20. *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 21. *Effectivity Clause.* – This Act shall take effect 15 days after its publication in at least two newspapers of general circulation.

Approved,