



An Act Protecting Children From Recalled Toys And Other Dangerous Products In The Resale Market.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (d) of section 21a-335 of the general statutes is
2 repealed and the following is substituted in lieu thereof:

3 (d) "Commerce" means any and all commerce within the state of
4 Connecticut pertaining to goods sold or resold or offered for sale or
5 resale and subject to the jurisdiction thereof, [;] and includes the
6 operation of any business or service establishment, but does not
7 include the occasional sale of personal items from or in proximity to a
8 person's home at a tag sale, garage sale or similar sale.

9 Sec. 2. Subsection (e) of section 21a-335 of the general statutes is
10 repealed and the following is substituted in lieu thereof:

11 (e) "Hazardous substance" means: (1) (A) Any substance or mixture
12 of substances which (i) is toxic, (ii) is corrosive, (iii) is an irritant, (iv) is
13 a strong sensitizer, (v) is flammable or combustible, or (vi) generates
14 pressure through decomposition, heat or other means, if such
15 substance or mixture of substances may cause substantial personal
16 injury or substantial illness during or as a proximate result of any
17 customary or reasonably foreseeable handling or use, including
18 reasonably foreseeable ingestion by children; (B) any substances which

19 the administrator by regulation finds meet the requirements of
20 subdivision (1) (A) of this subsection pursuant to the provisions of
21 subsections (b) and (c) of section 21a-336; (C) any substance classified
22 as a hazardous substance when it was introduced into commerce
23 pursuant to federal regulations adopted under the authority of the
24 federal Hazardous Substances Act (15 USC 1261 et seq.); (D) any
25 radioactive substance, if, with respect to such substance as used in a
26 particular class of article or as packaged, the administrator determines
27 by regulation that the substance is sufficiently hazardous to require
28 labeling in accordance with this section and sections 21a-336 to 21a-
29 346, inclusive, in order to protect the public health; (E) any toy or other
30 article intended for use by children which the administrator by
31 regulation determines in accordance with subsection (a) or (b) of
32 section 21a-336 presents an electrical, mechanical or thermal hazard;
33 (2) "hazardous substance" shall not apply to economic poisons subject
34 to the federal Insecticide, Fungicide and Rodenticide Act or chapter
35 441 nor to foods, drugs and cosmetics subject to chapter 418, nor to
36 substances intended for use as fuels when stored in containers and
37 used in the heating, cooking or refrigeration system of a house, but
38 such term shall apply to any article which is not itself an economic
39 poison within the meaning of the federal Insecticide, Fungicide and
40 Rodenticide Act or said chapter 441 but which is a hazardous
41 substance within the meaning of subdivision (1) of this subsection by
42 reason of bearing or containing such an economic poison; (3)
43 "hazardous substance" shall not include any source material, special
44 nuclear material or by-product material as defined in the Atomic
45 Energy Act of 1954, as amended, and regulations issued pursuant
46 thereto by the Atomic Energy Commission.

47 Sec. 3. Subsection (p) of section 21a-335 of the general statutes is
48 repealed and the following is substituted in lieu thereof:

49 (p) "Banned hazardous substance" means (A) any toy, or other
50 article intended for use by children, which is a hazardous substance, or
51 which bears or contains a hazardous substance in such manner as to be
52 susceptible of access by a child to whom such toy or other article is

53 entrusted, and which was introduced into commerce after
54 promulgation of an applicable safety standard under authority of the
55 federal Hazardous Substances Act (15 USC 1261 et seq.) or the federal
56 Consumer Product Safety Act (15 USC 2051 et seq.); (B) any hazardous
57 substance intended, or packaged in a form suitable, for use in a
58 household, classified, pursuant to section 21a-336 or pursuant to
59 federal regulations adopted under authority of the federal Hazardous
60 Substances Act (15 USC 1261 et seq.), as a "banned hazardous
61 substance" that, notwithstanding such cautionary labeling as is or may
62 be required under this section and sections 21a-336 to 21a-346,
63 inclusive, for that substance, the degree or nature of the hazard
64 involved in the presence or use of such substance in households is
65 such that the objective of the protection of the public health and safety
66 can be adequately served only by keeping such substance, when so
67 intended or packaged, out of the channels of commerce; provided the
68 administrator, by regulations adopted in accordance with chapter 54,
69 shall exempt from subparagraph (A) of this subdivision articles, such
70 as chemical sets, which by reason of their functional purpose require
71 the inclusion of the hazardous substance involved or necessarily
72 present in electrical, mechanical or thermal hazard and which bear
73 labeling giving adequate directions and warnings for safe use and are
74 intended for use by children who have attained sufficient maturity,
75 and may reasonably be expected, to read and heed such directions and
76 warnings; (C) any new wood-burning stove, coal-burning stove, solid
77 fuel add-on units or combination of such stoves and units, which is
78 offered for sale or installed in any building, dwelling or structure in
79 this state on or after July 1, 1985, and which has not been tested in
80 accordance with Underwriter's Laboratory Standard Number 1482; (D)
81 any new unvented fuel-burning room heater offered for sale or use in
82 any building, dwelling or structure in this state on or after July 1, 1985,
83 which has not been tested in accordance with Underwriter's
84 Laboratory Standard Number 647 for unvented kerosene heaters and
85 American National Standards Institute Standard Number Z21.11.2 for
86 unvented gas heaters.

87 Sec. 4. Section 21a-337 of the general statutes is repealed and the
88 following is substituted in lieu thereof:

89 The following acts and the causing thereof are prohibited: (1) The
90 [introduction or delivery for introduction] delivery into commerce of
91 any misbranded hazardous substance or banned hazardous substance;
92 (2) the alteration, mutilation, destruction, obliteration or removal of the
93 whole or any part of the label of, or the doing of any other act with
94 respect to, a hazardous substance if such act is done while the
95 substance is in commerce, or while the substance is held for sale,
96 whether or not the first sale, after shipment in commerce, and results
97 in the hazardous substance being a misbranded hazardous substance
98 or a banned hazardous substance; (3) the receipt in commerce of any
99 misbranded hazardous substance or banned hazardous substance and
100 the delivery or proffered delivery thereof for pay or otherwise; (4) the
101 giving of a guarantee or undertaking referred to in subdivision (2) of
102 subsection (b) of section 21a-338 which guarantee or undertaking is
103 false, except by a person who relied upon a guarantee or undertaking
104 to the same effect signed by, and containing the name and address of,
105 the person residing in the United States from whom he received in
106 good faith the hazardous substance; (5) the failure to permit entry or
107 inspection as authorized by subsection (a) of section 21a-343 or to
108 permit access to and copying of any record as authorized by section
109 21a-344; (6) the [introduction or delivery for introduction] delivery into
110 commerce, or the receipt in commerce and subsequent delivery or
111 proffered delivery for pay or otherwise, of a hazardous substance in a
112 reused food, drug or cosmetic container or in a container which,
113 though not a reused container, is identifiable as a food, drug or
114 cosmetic container by its labeling or by other identification. The reuse
115 of a food, drug or cosmetic container as a container for a hazardous
116 substance shall be deemed to be an act which results in the hazardous
117 substance being a misbranded hazardous substance. As used in this
118 subdivision, the terms "food", "drug" and "cosmetic" shall have the
119 same meanings as in the Connecticut Food, Drug and Cosmetic Act; (7)
120 the use by any person to his own advantage, or revealing other than to

121 the administrator or officers or employees of the agency, or to the
122 courts when relevant in any judicial proceeding under sections 21a-335
123 to 21a-346, inclusive, of any information acquired under authority of
124 section 21a-343 concerning any method of process which as a trade
125 secret is entitled to protection; (8) the introduction or delivery for
126 introduction into commerce of any item containing asbestos which
127 reasonably may be expected to be used in the construction or repair of
128 structures, without clearly indicating by labeling thereon that the item
129 contains asbestos and that asbestos may cause cancer when inhaled; (9)
130 the alteration or removal of any item upon which the commissioner or
131 his authorized agent has placed an embargo prior to the time the
132 commissioner, such agent or a court permits the alteration or removal
133 of such item; (10) the introduction or delivery for introduction into
134 commerce, after December 31, 1992, of any toy or other article for sale
135 in this state and marketed for the use of children between the ages of
136 three and seven, or determined to be for the use of children between
137 the ages of three and seven by the federal Consumer Product Safety
138 Commission pursuant to 16 CFR Part 1500 et seq., as published in the
139 Code of Federal Regulations Revised to January 1, 1991, and as from
140 time to time amended, or the Commissioner of Consumer Protection
141 pursuant to sections 21a-335 to 21a-346, inclusive, which would be
142 classified as a banned hazardous substance under 16 CFR Part
143 1501.4(b)(1) of said code and does not bear a conspicuous warning
144 label that clearly and specifically communicates that the contents
145 include small parts which pose a hazard for children under the age of
146 three, except that any toy or other article that contains, as of December
147 31, 1992, a safety warning label in substantial compliance with the
148 requirements of this subdivision shall be determined by the
149 commissioner to be in compliance with this subdivision until October
150 1, 1993. As used in this subdivision, "conspicuous" has the same
151 meaning and characteristics regarding type size as in 16 CFR Part
152 1500.121(c)(2) of said code; and (11) the introduction or delivery for
153 introduction into commerce, or the distribution or sale, of a drying oil
154 or drying oil product, manufactured after December 31, 1994, which
155 does not bear a conspicuous warning label on a side or back panel of

156 such product stating: "DANGER - RAGS, STEEL WOOL OR WASTE
157 SOAKED WITH (INSERT PRODUCT NAME) MAY
158 SPONTANEOUSLY CATCH FIRE IF IMPROPERLY DISCARDED.
159 IMMEDIATELY AFTER USE, PLACE RAGS, STEEL WOOL OR
160 WASTE IN A SEALED WATER-FILLED METAL CONTAINER." As
161 used in this subdivision, "conspicuous" has the same meaning and
162 characteristics regarding type size as in 16 CFR Part 1500.121 (c)(2) of
163 said code.

GL **Committee Vote:** Yea 15 Nay 0 JFS