



Substitute House Bill No. 5650

Public Act No. 08-106

AN ACT CONCERNING CHILD PRODUCT SAFETY.

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

Section 1. Section 21a-335 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2008*):

For the purposes of this section, [and] sections 21a-336 to 21a-346, inclusive, and sections 4 to 6, inclusive, of this act unless specifically otherwise provided:

- (a) "Agency" means the Department of Consumer Protection;
- (b) "Administrator" means the Commissioner of Consumer Protection or his legally authorized representative or agent;
- (c) "Person" includes an individual, partnership, corporation, limited liability company or association, or his or its legal representative or agent;
- (d) "Commerce" means any and all commerce within the state of Connecticut and subject to the jurisdiction thereof; and includes the operation of any business or service establishment;
- (e) "Hazardous substance" means: (1) (A) Any substance or mixture

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of substances which (i) is toxic, (ii) is corrosive, (iii) is an irritant, (iv) is a strong sensitizer, (v) is flammable or combustible, or (vi) generates pressure through decomposition, heat or other means, if such substance or mixture of substances may cause substantial personal injury or substantial illness during or as a proximate result of any customary or reasonably foreseeable handling or use, including reasonably foreseeable ingestion by children; (B) any substances which the administrator by regulation finds meet the requirements of subdivision (1) (A) of this subsection pursuant to the provisions of subsections (b) and (c) of section 21a-336; (C) any substance classified as a hazardous substance pursuant to federal regulations adopted under the authority of the federal Hazardous Substances Act (15 USC 1261 et seq.); (D) any radioactive substance, if, with respect to such substance as used in a particular class of article or as packaged, the administrator determines by regulation that the substance is sufficiently hazardous to require labeling in accordance with this section and sections 21a-336 to 21a-346, inclusive, in order to protect the public health; (E) any toy or other article intended for use by children which the administrator by regulation determines in accordance with subsection (a) or (b) of section 21a-336 presents an electrical, mechanical or thermal hazard; (2) "hazardous substance" shall not apply to economic poisons subject to the federal Insecticide, Fungicide and Rodenticide Act or chapter 441 nor to foods, drugs and cosmetics subject to chapter 418, nor to substances intended for use as fuels when stored in containers and used in the heating, cooking or refrigeration system of a house, but such term shall apply to any article which is not itself an economic poison within the meaning of the federal Insecticide, Fungicide and Rodenticide Act or said chapter 441 but which is a hazardous substance within the meaning of subdivision (1) of this subsection by reason of bearing or containing such an economic poison; (3) "hazardous substance" shall not include any source material, special nuclear material or by-product material as defined in the Atomic Energy Act of 1954, as amended, and

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regulations issued pursuant thereto by the Atomic Energy Commission;

(f) "Toxic" shall apply to any substance, other than a radioactive substance, which has the capacity to produce personal injury or illness to man through ingestion, inhalation or absorption through any body surface;

(g) (1) "Highly toxic" means any substance which falls within any of the following categories: (A) Produces death within fourteen days in half or more than half of a group of ten or more laboratory white rats each weighing between two hundred and three hundred grams, at a single dose of fifty milligrams or less per kilogram of body weight, when orally administered; or (B) produces death within fourteen days in half or more than half of a group of ten or more laboratory white rats each weighing between two hundred and three hundred grams, when inhaled continuously for a period of one hour or less at an atmosphere concentration of two hundred parts per million by volume or less of gas or vapor or two milligrams per liter by volume or less of mist or dust, provided such concentration is likely to be encountered by man when the substance is used in any reasonably foreseeable manner; or (C) produces death within fourteen days in half or more than half of a group of ten or more rabbits tested in a dosage of two hundred milligrams or less per kilogram of body weight, when administered by continuous contact with the bare skin for twenty-four hours or less; (2) if the administrator finds that available data on human experience with any substance indicate results different from those obtained on animals in the above-named dosages or concentrations, the human data shall take precedence;

(h) "Corrosive" means any substance which in contact with living tissue will cause destruction of tissue by chemical action; but shall not refer to action on inanimate surfaces;

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(i) "Irritant" means any substance not corrosive within the meaning of subsection (h) which on immediate, prolonged or repeated contact with normal living tissue will induce a local inflammatory reaction;

(j) "Strong sensitizer" means a substance which will cause on normal living tissue, through an allergic or photodynamic process, a hypersensitivity which becomes evident on reapplication of the same substances and which is designated as such by the administrator. Before designating any substance as a strong sensitizer, the administrator, upon consideration of the frequency of occurrence and severity of the reaction, shall find that the substance has a significant potential for causing hypersensitivity;

(k) "Extremely flammable" shall apply to any substance which has a flash point at or below twenty degrees Fahrenheit as determined by the Tagliabue Open Cup Tester, "flammable" shall apply to any substance which has a flash point of above twenty degrees to and including eighty degrees Fahrenheit, as determined by the Tagliabue Open Cup Tester and "combustible" shall apply to any substance which has a flash point above eighty degrees to and including one hundred and fifty degrees Fahrenheit, as determined by the Tagliabue Open Cup Tester, except that the flammability or combustibility of solids and of the contents of self-pressurized containers shall be determined by methods found by the administrator to be generally applicable to such materials or containers, respectively, and established by regulations issued by him, which regulations shall also define the terms "flammable" and "combustible" and "extremely flammable" in accord with such methods;

(l) "Radioactive substance" means a substance which emits ionizing radiation;

(m) "Label" means a display of written, printed or graphic matter upon the immediate container of any substance or, in the case of an

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article which is unpackaged or is not packaged in an immediate container intended or suitable for delivery to the ultimate consumer, a display of such matter directly upon the article involved or upon a tag or other suitable material affixed thereto, and a requirement made by or under authority of this section and sections 21a-336 to 21a-346, inclusive, that any word, statement or other information appear on the label shall not be considered to be complied with unless such word, statement or other information also appears (1) on the outside container or wrapper, if any there be, unless it is easily legible through the outside container or wrapper, and (2) on all accompanying literature where there are directions for use, written or otherwise;

(n) "Immediate container" does not include package liners;

(o) "Misbranded hazardous substance" means a hazardous substance, including a toy, or other article intended for use by children, which is a hazardous substance, or which bears or contains a hazardous substance in such manner as to be susceptible of access by a child to whom such toy or other article is entrusted, intended, or packaged in a form suitable, for use in the household or by children, which substance, except as otherwise provided by or pursuant to section 21a-336, fails to bear a label (1) which states conspicuously (A) the name and place of business of the manufacturer, packer, distributor or seller; (B) the common or usual name or the chemical name, if there is no common or usual name, of the hazardous substance or of each component which contributes substantially to its hazard, unless the administrator by regulation permits or requires the use of a recognized generic name; (C) the signal word "danger" on substances which are extremely flammable, corrosive or highly toxic; (D) the signal word "warning" or "caution" on all other hazardous substances; (E) an affirmative statement of the principal hazard or hazards, such as "Flammable", "Combustible", "Vapor Harmful", "Causes Burns", "Absorbed Through Skin" or similar wording

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descriptive of the hazard; (F) precautionary measures describing the action to be followed or avoided, except when modified by regulation of the administrator pursuant to section 21a-336; (G) instruction, when necessary or appropriate, for first-aid treatment; (H) the word "poison" for any hazardous substance which is defined as "highly toxic" by subsection (g); (I) instructions for handling and storage of packages which require special care in handling or storage; and (J) the statement (i) "Keep out of the reach of children" or its practical equivalent or, (ii) if the article is intended for use by children and is not a banned hazardous substance, adequate directions for the protection of children from the hazard, and (2) on which any statements required under subdivision (1) of this subsection are located prominently and are in the English language in conspicuous and legible type in contrast by typography, layout or color with other printed matter on the label;

(p) "Banned hazardous substance" means (A) any toy, or other article intended for use by children, which is a hazardous substance, or which bears or contains a hazardous substance in such manner as to be susceptible of access by a child to whom such toy or other article is entrusted; (B) (i) for the period commencing July 1, 2009, and ending June 30, 2011, any children's product with greater than three hundred parts per million total lead content by weight for any part of the product; and (ii) on and after July 1, 2011, any children's product with greater than one hundred parts per million total lead content by weight for any part of the product, or such stricter standard established in regulation adopted pursuant to section 21a-342; (C) on and after July 1, 2009, any children's product with lead-containing paint greater than ninety parts per million total lead content; (D) on and after July 1, 2009, any children's product with lead-containing paint greater than .009 milligrams of lead per centimeter squared; (E) any hazardous substance intended, or packaged in a form suitable, for use in a household, classified, pursuant to section 21a-336 or pursuant to federal regulations adopted under authority of the federal

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Hazardous Substances Act (15 USC 1261 et seq.), as a "banned hazardous substance" that, notwithstanding such cautionary labeling as is or may be required under this section and sections 21a-336 to 21a-346, inclusive, for that substance, the degree or nature of the hazard involved in the presence or use of such substance in households is such that the objective of the protection of the public health and safety can be adequately served only by keeping such substance, when so intended or packaged, out of the channels of commerce; provided the administrator, by regulations adopted in accordance with chapter 54, shall exempt from subparagraph (A) of this subdivision articles, such as chemical sets, which by reason of their functional purpose require the inclusion of the hazardous substance involved or necessarily present in electrical, mechanical or thermal hazard and which bear labeling giving adequate directions and warnings for safe use and are intended for use by children who have attained sufficient maturity, and may reasonably be expected, to read and heed such directions and warnings; ~~[(C)]~~ (F) any new wood-burning stove, coal-burning stove, solid fuel add-on units or combination of such stoves and units, which is offered for sale or installed in any building, dwelling or structure in this state on or after July 1, 1985, and which has not been tested in accordance with Underwriter's Laboratory Standard Number 1482; ~~[(D)]~~ (G) any new unvented fuel-burning room heater offered for sale or use in any building, dwelling or structure in this state on or after July 1, 1985, which has not been tested in accordance with Underwriter's Laboratory Standard Number 647 for unvented kerosene heaters and American National Standards Institute Standard Number Z21.11.2 for unvented gas heaters;

(q) An article may be determined to present an electrical hazard if, in normal use or when subjected to reasonably foreseeable damage or abuse, its design or manufacture may cause personal injury or illness by electric shock;

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(r) An article may be determined to present a mechanical hazard if, in normal use or when subjected to reasonably foreseeable damage or abuse, its design or manufacture presents an unreasonable risk of personal injury or illness (1) from fracture, fragmentation or disassembly of the article, (2) from propulsion of the article, or any part or accessory thereof, (3) from points or other protrusions, surfaces, edges, openings or closures, (4) from moving parts, (5) from lack or insufficiency of controls to reduce or stop motion, (6) as a result of self-adhering characteristics of the article, (7) because the article, or any part or accessory thereof, may be aspirated or ingested, (8) because of instability, or (9) because of any other aspect of the article's design or manufacture;

(s) An article may be determined to present a thermal hazard if, in normal use or when subjected to reasonably foreseeable damage or abuse, its design or manufacture presents an unreasonable risk of personal injury or illness because of heat as from heated parts, substances or surfaces;

(t) "Drying oil" means linseed oil, tung oil, perilla oil or other oils which are found to contain a substantial proportion of fatty acids with three double molecular bonds;

(u) "Drying oil product" means a wood treatment or wood finish product containing a drying oil;

(v) "Children's product" means a consumer product designed or intended primarily for children under age twelve, including, but not limited to, clothing, accessories, jewelry, decorative object, candy, food, dietary supplements or other edible or chewable items, toys, furniture or other articles used by or intended to be used by children;

(w) "Consumer product" means any article used primarily for personal, family or household purposes;

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(x) "Paint and other similar surface-coating materials" means a fluid, semi-fluid or other material, with or without a suspension of finely divided coloring matter, which changes to a solid film when a thin layer is applied to a metal, wood, stone, paper, leather, cloth, plastic or other surface. The term does not include printing inks or those materials that actually become a part of the substrate, such as the pigment in a plastic article or those materials that are actually bonded to the substrate, such as by electroplating or ceramic glazing;

(y) "Lead-containing paint" means paint or other similar surface coating materials containing any detectable amount of lead or lead compounds.

Sec. 2. Section 21a-337 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2008*):

(a) The following acts and the causing thereof are prohibited: (1) The introduction or delivery for introduction into commerce of any misbranded hazardous substance or banned hazardous substance; (2) the manufacturing, distributing, selling at wholesale or retail, contracting to sell or resell, lease, sublet or otherwise place in the stream of commerce: (A) Any children's product that has been designated a banned hazardous substance under this chapter or the Federal Hazardous Substances Act; (B) any children's product that is the subject of voluntary or mandatory corrective action taken under the direction of or in cooperation with an agency of the federal government but the defect in such children's product has not been so corrected; or (C) any children's product that is not otherwise in conformity with applicable consumer safety product standards under this chapter, or any similar rule under another chapter of the general statutes or any federal laws or regulations; (3) the alteration, mutilation, destruction, obliteration or removal of the whole or any part of the label of, or the doing of any other act with respect to, a hazardous substance if such act is done while the substance is in

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commerce, or while the substance is held for sale, whether or not the first sale, after shipment in commerce, and results in the hazardous substance being a misbranded hazardous substance or a banned hazardous substance; [(3)] (4) the receipt in commerce of any misbranded hazardous substance or banned hazardous substance and the delivery or proffered delivery thereof for pay or otherwise; [(4)] (5) the giving of a guarantee or undertaking referred to in subdivision (2) of subsection (b) of section 21a-338 which guarantee or undertaking is false, except by a person who relied upon a guarantee or undertaking to the same effect signed by, and containing the name and address of, the person residing in the United States from whom he received in good faith the hazardous substance; [(5)] (6) the failure to permit entry or inspection as authorized by subsection (a) of section 21a-343 or to permit access to and copying of any record as authorized by section 21a-344; [(6)] (7) the introduction or delivery for introduction into commerce, or the receipt in commerce and subsequent delivery or proffered delivery for pay or otherwise, of a hazardous substance in a reused food, drug or cosmetic container or in a container which, though not a reused container, is identifiable as a food, drug or cosmetic container by its labeling or by other identification. The reuse of a food, drug or cosmetic container as a container for a hazardous substance shall be deemed to be an act which results in the hazardous substance being a misbranded hazardous substance. As used in this subdivision, the terms "food", "drug" and "cosmetic" shall have the same meanings as in the Connecticut Food, Drug and Cosmetic Act; [(7)] (8) the use by any person to his own advantage, or revealing other than to the administrator or officers or employees of the agency, or to the courts when relevant in any judicial proceeding under sections 21a-335 to 21a-346, inclusive, of any information acquired under authority of section 21a-343 concerning any method of process which as a trade secret is entitled to protection; [(8)] (9) the introduction or delivery for introduction into commerce of any item containing asbestos which reasonably may be expected to be used in the construction or repair of

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structures, without clearly indicating by labeling thereon that the item contains asbestos and that asbestos may cause cancer when inhaled, or the introduction or delivery for introduction into commerce of any toy or other article for sale in this state marketed for the use of children under the age of sixteen containing asbestos; [(9)] (10) the alteration or removal of any item upon which the commissioner or his authorized agent has placed an embargo prior to the time the commissioner, such agent or a court permits the alteration or removal of such item; [(10)] (11) the introduction or delivery for introduction into commerce, after December 31, 1992, of any toy or other article for sale in this state and marketed for the use of children between the ages of three and seven, or determined to be for the use of children between the ages of three and seven by the federal Consumer Product Safety Commission pursuant to 16 CFR Part 1500 et seq., as published in the Code of Federal Regulations Revised to January 1, 1991, and as from time to time amended, or the Commissioner of Consumer Protection pursuant to sections 21a-335 to 21a-346, inclusive, which would be classified as a banned hazardous substance under 16 CFR Part 1501.4(b)(1) of said code and does not bear a conspicuous warning label that clearly and specifically communicates that the contents include small parts which pose a hazard for children under the age of three, except that any toy or other article that contains, as of December 31, 1992, a safety warning label in substantial compliance with the requirements of this subdivision shall be determined by the commissioner to be in compliance with this subdivision until October 1, 1993. As used in this subdivision, "conspicuous" has the same meaning and characteristics regarding type size as in 16 CFR Part 1500.121(c)(2) of said code; and [(11)] (12) the introduction or delivery for introduction into commerce, or the distribution or sale, of a drying oil or drying oil product, manufactured after December 31, 1994, which does not bear a conspicuous warning label on a side or back panel of such product stating: "DANGER - RAGS, STEEL WOOL OR WASTE SOAKED WITH (INSERT PRODUCT NAME) MAY SPONTANEOUSLY

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CATCH FIRE IF IMPROPERLY DISCARDED. IMMEDIATELY AFTER USE, PLACE RAGS, STEEL WOOL OR WASTE IN A SEALED WATER-FILLED METAL CONTAINER." As used in this subdivision, "conspicuous" has the same meaning and characteristics regarding type size as in 16 CFR Part 1500.121 (c)(2) of said code.

(b) A children's product shall not be a banned hazardous substance, as defined in subsection (p) of section 21a-335, as amended by this act, solely on the basis of containing a component that exceeds the standards pursuant to subparagraph (B) of said subsection (p) if such component is not accessible to a child because it is not physically exposed by reason of a covering or casing and if it will not become physically exposed through normal and reasonably foreseeable use and abuse of the product. For purposes of this subsection, paint, coatings or electroplating shall not be considered barriers that would render lead in the substrate inaccessible to a child through normal and reasonably foreseeable use and abuse of the product.

(c) If the administrator determines that it is not feasible for certain children's products that are electronic devices, including batteries, to meet the standards pursuant to subparagraph (B) of subsection (p) of section 21a-335, as amended by this act, by July 1, 2009, the administrator shall adopt regulations, in accordance with chapter 54, to (1) set standards to reduce the exposure of and accessibility to lead in such devices, and (2) establish a schedule by which such electronic devices shall be in full compliance with the standards established in said subparagraph (B). Such devices shall not be considered banned hazardous substances pursuant to said subsection (p) if they comply with the provisions of such regulations.

Sec. 3. Section 21a-336 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2008*):

(a) Whenever in the judgment of the administrator such action will

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promote the objectives of sections 21a-335 to 21a-346, inclusive, by avoiding or resolving uncertainty as to application, the administrator may, by regulation, declare to be a hazardous substance, for the purposes of said sections, any substance or mixture of substances which he finds meets the requirements of subdivision (1) of subsection (e) of section 21a-335.

(b) The administrator may, in addition to regulations adopted under subsection (a) of this section, [promulgate] adopt regulations establishing safety requirements, safety standards, banned hazardous substances, labeling requirements and testing procedures for articles subject to sections 21a-335 to 21a-346, inclusive.

(c) If the administrator finds that the hazard of an article subject to sections 21a-335 to 21a-346, inclusive, is such that labeling adequate to protect the public health and safety cannot be devised, or the article presents an imminent danger to the public health and safety, the administrator may by regulation declare such article to be a banned hazardous substance and require its removal from commerce. The administrator [may] shall compile, and from time to time amend, a list of toys and other articles which are intended for use by children and which are classified as banned hazardous substances, and shall post such list in a conspicuous place on the department's web site. Such list shall be publicly accessible and searchable.

Sec. 4. (NEW) (*Effective October 1, 2008*) In addition to the list compiled pursuant to section 21a-336 of the general statutes, as amended by this act, the administrator, in consultation with the Commissioners of Public Health and Environmental Protection, shall compile, and from time to time amend, a list of other toxic substances and the recommended maximum amount of such toxic substances that may exist in children's products. In addition, the administrator shall compile, and from time to time amend, a list of safer alternatives to using said toxic substances.

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Sec. 5. (NEW) (*Effective from passage*) (a) Not later than October 1, 2008, the administrator, as defined in section 21a-335 of the general statutes, as amended by this act, shall develop a certificate of disposition for retailers and wholesalers prohibited from selling or otherwise placing any children's product subject to a recall or voluntary corrective action into the stream of commerce pursuant to section 21a-337 of the general statutes, as amended by this act. Such certificate of disposition shall (1) require such retailers and wholesalers to specify the make, model, type, quantity and final disposition of such children's products, (2) contain any other information required by the administrator, and (3) require such retailers and wholesalers to sign an affidavit verifying the authenticity of the information provided in the certificate.

(b) Upon notification or receipt of information that a children's product has been recalled, a retailer or wholesaler shall inspect its premises and immediately dispose of all such products in possession of such retailer or wholesaler. Upon notification or receipt of information that a children's product has been subject to voluntary corrective action, a retailer or wholesaler shall inspect its premises and immediately return to the manufacturer or distributor all such products in possession of such retailer or wholesaler. Retailers and wholesalers shall complete the certificate of disposition form developed pursuant to subsection (a) of this section no later than seven calendar days after the date of notification or receipt of information of a recall or voluntary corrective action. Signed and dated certificate of disposition forms shall be maintained by the retailer or wholesaler and shall be subject to inspection by the administrator or the administrator's designated agent for a period of not less than three years.

(c) A retailer or wholesaler who violates subsection (b) of this section shall be subject to the penalties of section 21a-338 of the general

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statutes, as amended by this act.

Sec. 6. (NEW) (*Effective October 1, 2008*) (a) Subject to the provisions of subsection (b) of this section, the administrator, as defined in section 21a-335 of the general statutes, as amended by this act, may adopt regulations, in accordance with chapter 54 of the general statutes, to require certain consumer products determined by the administrator that bear lead-containing paint or that have lead in any part of the product and that a child may reasonably or foreseeably come into contact with, to carry a warning label described in this section. If the administrator adopts such regulations, no person, firm or corporation engaged in commerce shall have, offer for sale, sell or give away any consumer product, identified in such regulations, that may be used by the general public unless it bears a warning statement prescribed by federal regulations or, if no warning statement is prescribed by federal regulations, bears a warning statement that meets the requirements of subdivision (1) or (2) of this section, as appropriate. (1) The warning statement shall be as follows when the consumer product bears lead-containing paint: "WARNING--CONTAINS LEAD. DRIED FILM OF THIS SUBSTANCE MAY BE HARMFUL IF EATEN OR CHEWED. See Other Cautions on (Side or Back) Panel. Do not apply on toys, or other children's articles, furniture, or interior or exterior exposed surfaces of any residential building or facility that may be occupied or used by children. KEEP OUT OF THE REACH OF CHILDREN.". (2) The warning statement shall be as follows when the consumer product bears a form of lead other than lead-containing paint: "WARNING CONTAINS LEAD. MAY BE HARMFUL IF EATEN OR CHEWED. MAY GENERATE DUST CONTAINING LEAD. KEEP OUT OF THE REACH OF CHILDREN.". The placement, conspicuousness and contrast of such labeling shall be in accordance with 16 CFR 1500.121.

(b) The provisions of this section shall not apply to children's products, and those consumer products with lead-containing

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components, but whose lead-containing components are not accessible to a child because they are not physically exposed by reason of a covering or casing and they will not become physically exposed through normal and reasonably foreseeable use and abuse of the product.

Sec. 7. Section 21a-338 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2008*):

(a) Any person who violates any of the provisions of section 21a-337, as amended by this act, shall be guilty of a class [C] B misdemeanor but an offense committed with intent to defraud or mislead, or a second or subsequent offense, shall be an unclassified misdemeanor for which the penalty shall be imprisonment for not more than one year, or a fine of not more than [three] five thousand dollars or both such imprisonment and fine.

(b) No person shall be subject to the penalties of subsection (a) of this section, (1) for having violated subdivision [(3)] (4) of section 21a-337, as amended by this act, if the receipt, delivery or proffered delivery of the hazardous substance was made in good faith, unless [he] such person refuses to furnish, on request of an officer or employee duly designated by the administrator, the name and address of the [person] individual or entity from whom [he] such person purchased or received such hazardous substance, and copies of all documents, if any there be, pertaining to the delivery of the hazardous substance to [him] such person; or (2) for having violated subdivision (1) of said section 21a-337, if [he] such person establishes a guarantee or undertaking signed by, and containing the name and address of, the person residing in the United States from whom [he] such person received in good faith the hazardous substance, to the effect that the hazardous substance is not a misbranded hazardous substance or a banned hazardous substance within the meaning of those terms in sections 21a-335 to 21a-346, inclusive, as amended by this act.

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Sec. 8. Section 21a-336 of the general statutes is amended by adding subsection (d) as follows (*Effective October 1, 2008*):

(NEW) (d) On and after July 1, 2011, if the administrator determines that a standard stricter than one hundred parts per million total lead content by weight for any part of a children's product is feasible, the administrator may adopt regulations, in accordance with chapter 54 to establish such stricter standard pursuant to subparagraph (B) of subsection (p) of section 21a-335, as amended by this act, that is as low as forty parts per million total lead content by weight for any part of such product.

Sec. 9. Section 21a-340 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2008*):

(a) Whenever a duly authorized agent of the administrator finds or has probable cause to believe that any hazardous household substance is misbranded, or is a banned hazardous substance, within the meaning of sections 21a-335 to 21a-346, inclusive, [he] as amended by this act, such agent shall affix to such article a tag or other appropriate marking, giving notice that such article is, or is suspected of being, misbranded or is a banned hazardous substance and has been detained or embargoed, and warning all persons not to remove or dispose of such article by sale or otherwise until permission for removal or disposal is given by such agent or the court. No person shall remove or dispose of such detained or embargoed article by sale or otherwise without such permission. The administrator may, after notice and hearing, impose a civil penalty of not more than five hundred dollars for each separate offense on any person who removes, without such permission, any tag or other appropriate marking affixed to any article which has been detained or embargoed in accordance with the provisions of this subsection. Such penalty shall be deposited into the consumer protection enforcement account established pursuant to section 21a-8a.

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(b) When an article detained or embargoed under subsection (a) has been found by such agent to be misbranded or a banned hazardous substance, [he] such agent shall petition the superior court in whose jurisdiction the article is detained or embargoed or any judge thereof for a libel of condemnation of such article. When such agent has found that an article so detained or embargoed is not misbranded or a banned hazardous substance, [he] such agent shall remove the tag or other marking.

(c) If the court finds that a detained or embargoed article is misbranded or a banned hazardous substance, such article shall, after entry of the decree, be destroyed at the expense of the claimant thereof, under supervision of such agent, and all court costs and fees, and storage and other proper expenses, shall be taxed against the claimant of such article or his agent; except that, if the misbranding can be corrected by proper labeling of the article, the court, after entry of the decree and after such costs, fees and expenses have been paid and a good and sufficient bond, conditioned that such article shall be so labeled, has been executed, may by order direct that such article be delivered to the claimant thereof for such labeling under the supervision of an agent of the administrator. The expense of such supervision shall be paid by the claimant. The article shall be returned to the claimant on the representation to the court by the administrator that the article is no longer in violation of sections 21a-335 to 21a-346, inclusive, as amended by this act, and that the expenses of such supervision have been paid.

Sec. 10. (NEW) (*Effective October 1, 2008*) In addition to the criminal penalties and remedies set forth in chapter 420d of the general statutes, the administrator may, after notice and hearing pursuant to chapter 54 of the general statutes, levy a civil penalty of not more than one hundred dollars for a violation of any of the provisions of chapter 420d of the general statutes, except for section 21a-340 of the general

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statutes, as amended by this act. Each such violation of said chapter shall be a separate and distinct offense and each day's continuance thereof shall be deemed to be a separate and distinct offense. Such penalty shall be deposited into the consumer protection enforcement account established pursuant to section 21a-8a of the general statutes.

Sec. 11. Section 21a-343 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2008*):

(a) For the purposes of enforcement of sections 21a-335 to 21a-346, inclusive, as amended by this act officers or employees duly designated by the administrator, upon presenting appropriate credentials to the owner, operator or agent in charge, are authorized (1) to enter, at reasonable times, any factory, warehouse or establishment in which hazardous substances are manufactured, processed, packed or held for introduction into commerce or are held after such introduction, or to enter any vehicle being used to transport or hold such hazardous substances in commerce; (2) to inspect, at reasonable times and within reasonable limits and in a reasonable manner, such factory, warehouse, establishment or vehicle, and all pertinent equipment, finished and unfinished materials, and labeling therein; and (3) to obtain samples of such materials or packages thereof, or of such labeling.

(b) If the officer or employee obtains any sample, prior to leaving the premises, [he] such officer or employee shall pay or offer to pay the owner, operator or agent in charge for such sample and give a receipt describing the samples obtained.

(c) Failure to permit entry or inspection as authorized by subsection (a) of this section shall be deemed an unfair or deceptive trade practice pursuant to section 42-110b.

Sec. 12. Section 21a-345 of the general statutes is amended by adding

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subsection (c) as follows (*Effective October 1, 2008*):

(NEW) (c) The administrator may require that retail stores post a notice making the general public aware of the administrator's decision that an article has been designated a banned hazardous substance, pursuant to regulations adopted under section 21a-336, as amended by this act. Such notices shall be posted in a location visible to the general public and shall be posted for a duration of a time specified by the administrator. Violations of this subsection shall be deemed an unfair or deceptive trade practice pursuant to section 42-110b.

Sec. 13. (NEW) (*Effective from passage*) The Commissioner of Environmental Protection may, within available appropriations, participate in an interstate clearinghouse to (1) classify chemicals existing in commercial goods into one of the following four categories: (A) High concern, (B) moderate concern, (C) low concern, or (D) unknown concern; (2) organize and manage available data on chemicals, including, but not limited to, information on uses, hazards and environmental concerns associated with chemicals; (3) produce and inventory information on safer alternatives for specific uses of chemicals and model policies and programs related to such alternatives; (4) provide technical assistance to businesses and consumers relating to safer chemicals; and (5) other activities related to this section.

Approved June 2, 2008