



General Assembly

February Session, 2008

**Raised Bill No. 5650**

LCO No. 2159

\*02159\_\_\_\_\_KID\*

Referred to Committee on Select Committee on Children

Introduced by:  
(KID)

***AN ACT CONCERNING CHILD PRODUCT SAFETY.***

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

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2 repealed and the following is substituted in lieu thereof (*Effective*  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

4 (p) "Banned hazardous substance" means (A) any toy, or other  
5 article intended for use by children, which is a hazardous substance, or  
6 which bears or contains a hazardous substance in such manner as to be  
7 susceptible of access by a child to whom such toy or other article is  
8 entrusted; (B) any children's product with greater than forty parts per  
9 million total lead content by weight for any part of the product; (C)  
10 any children's product with lead-containing paint greater than forty  
11 parts per million total lead content or .004 milligrams per centimeter  
12 squared; (D) any hazardous substance intended, or packaged in a form  
13 suitable, for use in a household, classified, pursuant to section 21a-336  
14 or pursuant to federal regulations adopted under authority of the  
15 federal Hazardous Substances Act (15 USC 1261 et seq.), as a "banned  
16 hazardous substance" that, notwithstanding such cautionary labeling  
17 as is or may be required under this section and sections 21a-336 to 21a-

18 346, inclusive, for that substance, the degree or nature of the hazard  
19 involved in the presence or use of such substance in households is  
20 such that the objective of the protection of the public health and safety  
21 can be adequately served only by keeping such substance, when so  
22 intended or packaged, out of the channels of commerce; provided the  
23 administrator, by regulations adopted in accordance with chapter 54,  
24 shall exempt from subparagraph (A) of this subdivision articles, such  
25 as chemical sets, which by reason of their functional purpose require  
26 the inclusion of the hazardous substance involved or necessarily  
27 present in electrical, mechanical or thermal hazard and which bear  
28 labeling giving adequate directions and warnings for safe use and are  
29 intended for use by children who have attained sufficient maturity,  
30 and may reasonably be expected, to read and heed such directions and  
31 warnings; [(C)] (E) any new wood-burning stove, coal-burning stove,  
32 solid fuel add-on units or combination of such stoves and units, which  
33 is offered for sale or installed in any building, dwelling or structure in  
34 this state on or after July 1, 1985, and which has not been tested in  
35 accordance with Underwriter's Laboratory Standard Number 1482;  
36 [(D)] (F) any new unvented fuel-burning room heater offered for sale  
37 or use in any building, dwelling or structure in this state on or after  
38 July 1, 1985, which has not been tested in accordance with  
39 Underwriter's Laboratory Standard Number 647 for unvented  
40 kerosene heaters and American National Standards Institute Standard  
41 Number Z21.11.2 for unvented gas heaters.

42 Sec. 2. Section 21a-335 of the general statutes is amended by adding  
43 subsections (v), (w), (x) and (y) as follows (*Effective October 1, 2008*):

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

50 (NEW) (w) "Consumer product" means any article used primarily  
51 for personal, family or household purposes.

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

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

63 Sec. 3. Section 21a-337 of the general statutes is repealed and the  
64 following is substituted in lieu thereof (*Effective October 1, 2008*):

65 The following acts and the causing thereof are prohibited: (1) The  
66 introduction or delivery for introduction into commerce of any  
67 misbranded hazardous substance or banned hazardous substance; (2)  
68 the manufacturing, remanufacturing, retrofitting, distributing, selling  
69 at wholesale or retail, contracting to sell or resell, lease, sublet or  
70 otherwise place in the stream of commerce: (A) Any children's product  
71 that has been designated a banned hazardous substance under this  
72 chapter or the Federal Hazardous Substances Act; (B) any children's  
73 product that has been subject to voluntary corrective action taken by  
74 the manufacturer, wholesaler, distributor or importer, or has been  
75 recalled by the manufacturer, wholesaler, distributor or importer in  
76 cooperation with an agency of the federal government and the recall  
77 has not been rescinded; or (C) any children's product that is not  
78 otherwise in conformity with applicable consumer safety product  
79 standards under this chapter, or any similar rule under another  
80 chapter of the general statutes or any federal laws or regulations; (3)  
81 the alteration, mutilation, destruction, obliteration or removal of the

82 whole or any part of the label of, or the doing of any other act with  
83 respect to, a hazardous substance if such act is done while the  
84 substance is in commerce, or while the substance is held for sale,  
85 whether or not the first sale, after shipment in commerce, and results  
86 in the hazardous substance being a misbranded hazardous substance  
87 or a banned hazardous substance; [(3)] (4) the receipt in commerce of  
88 any misbranded hazardous substance or banned hazardous substance  
89 and the delivery or proffered delivery thereof for pay or otherwise;  
90 [(4)] (5) the giving of a guarantee or undertaking referred to in  
91 subdivision (2) of subsection (b) of section 21a-338 which guarantee or  
92 undertaking is false, except by a person who relied upon a guarantee  
93 or undertaking to the same effect signed by, and containing the name  
94 and address of, the person residing in the United States from whom he  
95 received in good faith the hazardous substance; [(5)] (6) the failure to  
96 permit entry or inspection as authorized by subsection (a) of section  
97 21a-343 or to permit access to and copying of any record as authorized  
98 by section 21a-344; [(6)] (7) the introduction or delivery for  
99 introduction into commerce, or the receipt in commerce and  
100 subsequent delivery or proffered delivery for pay or otherwise, of a  
101 hazardous substance in a reused food, drug or cosmetic container or in  
102 a container which, though not a reused container, is identifiable as a  
103 food, drug or cosmetic container by its labeling or by other  
104 identification. The reuse of a food, drug or cosmetic container as a  
105 container for a hazardous substance shall be deemed to be an act  
106 which results in the hazardous substance being a misbranded  
107 hazardous substance. As used in this subdivision, the terms "food",  
108 "drug" and "cosmetic" shall have the same meanings as in the  
109 Connecticut Food, Drug and Cosmetic Act; [(7)] (8) the use by any  
110 person to his own advantage, or revealing other than to the  
111 administrator or officers or employees of the agency, or to the courts  
112 when relevant in any judicial proceeding under sections 21a-335 to  
113 21a-346, inclusive, of any information acquired under authority of  
114 section 21a-343 concerning any method of process which as a trade  
115 secret is entitled to protection; [(8)] (9) the introduction or delivery for

116 introduction into commerce of any item containing asbestos which  
117 reasonably may be expected to be used in the construction or repair of  
118 structures, without clearly indicating by labeling thereon that the item  
119 contains asbestos and that asbestos may cause cancer when inhaled;  
120 [(9)] (10) the alteration or removal of any item upon which the  
121 commissioner or his authorized agent has placed an embargo prior to  
122 the time the commissioner, such agent or a court permits the alteration  
123 or removal of such item; [(10)] (11) the introduction or delivery for  
124 introduction into commerce, after December 31, 1992, of any toy or  
125 other article for sale in this state and marketed for the use of children  
126 between the ages of three and seven, or determined to be for the use of  
127 children between the ages of three and seven by the federal Consumer  
128 Product Safety Commission pursuant to 16 CFR Part 1500 et seq., as  
129 published in the Code of Federal Regulations Revised to January 1,  
130 1991, and as from time to time amended, or the Commissioner of  
131 Consumer Protection pursuant to sections 21a-335 to 21a-346,  
132 inclusive, which would be classified as a banned hazardous substance  
133 under 16 CFR Part 1501.4(b)(1) of said code and does not bear a  
134 conspicuous warning label that clearly and specifically communicates  
135 that the contents include small parts which pose a hazard for children  
136 under the age of three, except that any toy or other article that  
137 contains, as of December 31, 1992, a safety warning label in substantial  
138 compliance with the requirements of this subdivision shall be  
139 determined by the commissioner to be in compliance with this  
140 subdivision until October 1, 1993. As used in this subdivision,  
141 "conspicuous" has the same meaning and characteristics regarding  
142 type size as in 16 CFR Part 1500.121(c)(2) of said code; and [(11)] (12)  
143 the introduction or delivery for introduction into commerce, or the  
144 distribution or sale, of a drying oil or drying oil product, manufactured  
145 after December 31, 1994, which does not bear a conspicuous warning  
146 label on a side or back panel of such product stating: "DANGER -  
147 RAGS, STEEL WOOL OR WASTE SOAKED WITH .... (INSERT  
148 PRODUCT NAME) MAY SPONTANEOUSLY CATCH FIRE IF  
149 IMPROPERLY DISCARDED. IMMEDIATELY AFTER USE, PLACE

150 RAGS, STEEL WOOL OR WASTE IN A SEALED WATER-FILLED  
151 METAL CONTAINER." As used in this subdivision, "conspicuous" has  
152 the same meaning and characteristics regarding type size as in 16 CFR  
153 Part 1500.121 (c)(2) of said code.

154 Sec. 4. Section 21a-336 of the general statutes is repealed and the  
155 following is substituted in lieu thereof (*Effective October 1, 2008*):

156 (a) Whenever in the judgment of the administrator such action will  
157 promote the objectives of sections 21a-335 to 21a-346, inclusive, by  
158 avoiding or resolving uncertainty as to application, the administrator  
159 may, by regulation, declare to be a hazardous substance, for the  
160 purposes of said sections, any substance or mixture of substances  
161 which he finds meets the requirements of subdivision (1) of subsection  
162 (e) of section 21a-335.

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

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

178 Sec. 5. (NEW) (*Effective October 1, 2008*) In addition to the list  
179 compiled pursuant to section 21a-336 of the general statutes, as  
180 amended by this act, the administrator, as defined in section 21a-335 of

181 the general statutes, as amended by this act, shall compile, and from  
182 time to time amend, a list of other toxic substances and the  
183 recommended maximum amount in parts per million total content of  
184 such toxic substances that should not be used in children's products. In  
185 addition, the administrator shall compile, and from time to time  
186 amend, a list of safer alternatives to using said toxic substances.

187       Sec. 6. (NEW) (*Effective October 1, 2008*) All retailers or other  
188 businesses in this state shall submit a banned hazardous substance  
189 final disposition report to the Department of Consumer Protection  
190 indicating the type, make and model, quantity and disposition of any  
191 article declared a banned hazardous substance by the administrator.  
192 The report shall include, but not be limited to: (1) Information related  
193 to how such items have been disposed, including where the products  
194 were sent or returned to be destroyed; and (2) a sworn statement  
195 indicating that the banned hazardous substances have not been sold or  
196 distributed to any other business entity for resale or distribution to the  
197 consumer market.

198       Sec. 7. (NEW) (*Effective October 1, 2008*) No person, firm or  
199 corporation engaged in commerce shall have, offer for sale, sell or give  
200 away any consumer product bearing lead-containing paint that may be  
201 used by the general public unless it bears the warning statement  
202 prescribed by federal regulation. (1) If no such regulation is prescribed,  
203 the warning statement shall be as follows when the consumer product  
204 bears lead-containing paint: "WARNING--CONTAINS LEAD. DRIED  
205 FILM OF THIS SUBSTANCE MAY BE HARMFUL IF EATEN OR  
206 CHEWED. See Other Cautions on (Side or Back) Panel. Do not apply  
207 on toys, or other children's articles, furniture, or interior or exterior  
208 exposed surfaces of any residential building or facility that may be  
209 occupied or used by children. KEEP OUT OF THE REACH OF  
210 CHILDREN.". (2) If no regulation is prescribed, the warning statement  
211 shall be as follows when the consumer product bears a form of lead  
212 other than lead-containing paint: "WARNING CONTAINS LEAD.  
213 MAY BE HARMFUL IF EATEN OR CHEWED. MAY GENERATE

214 DUST CONTAINING LEAD. KEEP OUT OF THE REACH OF  
 215 CHILDREN.". The placement, conspicuousness and contrast of such  
 216 labeling shall be in accordance with 16 CFR 1500.121.

217 Sec. 8. Subsection (b) of section 21a-338 of the general statutes is  
 218 repealed and the following is substituted in lieu thereof (*Effective July*  
 219 *1, 2008*):

220 (b) No person shall be subject to the penalties of subsection (a) of  
 221 this section, (1) for having violated subdivision [(3)] (4) of section 21a-  
 222 337, as amended by this act, if the receipt, delivery or proffered  
 223 delivery of the hazardous substance was made in good faith, unless he  
 224 refuses to furnish, on request of an officer or employee duly  
 225 designated by the administrator, the name and address of the person  
 226 from whom he purchased or received such hazardous substance, and  
 227 copies of all documents, if any there be, pertaining to the delivery of  
 228 the hazardous substance to him; or (2) for having violated subdivision  
 229 (1) of said section 21a-337, as amended by this act, if he establishes a  
 230 guarantee or undertaking signed by, and containing the name and  
 231 address of, the person residing in the United States from whom he  
 232 received in good faith the hazardous substance, to the effect that the  
 233 hazardous substance is not a misbranded hazardous substance or a  
 234 banned hazardous substance within the meaning of those terms in  
 235 sections 21a-335 to 21a-346, inclusive, as amended by this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2008</i>	21a-335(p)
Sec. 2	<i>October 1, 2008</i>	21a-335
Sec. 3	<i>October 1, 2008</i>	21a-337
Sec. 4	<i>October 1, 2008</i>	21a-336
Sec. 5	<i>October 1, 2008</i>	New section
Sec. 6	<i>October 1, 2008</i>	New section
Sec. 7	<i>October 1, 2008</i>	New section
Sec. 8	<i>July 1, 2008</i>	21a-338(b)

**Statement of Purpose:**

To establish standards governing the maximum allowable amount of lead in children's products.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*