



General Assembly

**Substitute Bill No. 5650**

February Session, 2008

\*        HB05650JUD        042108        \*

**AN ACT CONCERNING CHILD PRODUCT SAFETY.**

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

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 Section 21a-335 of the general statutes is repealed and the  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

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

6       (a) "Agency" means the Department of Consumer Protection;

7       (b) "Administrator" means the Commissioner of Consumer  
8 Protection or his legally authorized representative or agent;

9       (c) "Person" includes an individual, partnership, corporation,  
10 limited liability company or association, or his or its legal  
11 representative or agent;

12       (d) "Commerce" means any and all commerce within the state of  
13 Connecticut and subject to the jurisdiction thereof; and includes the  
14 operation of any business or service establishment;

15       (e) "Hazardous substance" means: (1) (A) Any substance or mixture  
16 of substances which (i) is toxic, (ii) is corrosive, (iii) is an irritant, (iv) is  
17 a strong sensitizer, (v) is flammable or combustible, or (vi) generates

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

51 (f) "Toxic" shall apply to any substance, other than a radioactive

52 substance, which has the capacity to produce personal injury or illness  
53 to man through ingestion, inhalation or absorption through any body  
54 surface;

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

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

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

82 (j) "Strong sensitizer" means a substance which will cause on normal  
83 living tissue, through an allergic or photodynamic process, a

84 hypersensitivity which becomes evident on reapplication of the same  
85 substances and which is designated as such by the administrator.  
86 Before designating any substance as a strong sensitizer, the  
87 administrator, upon consideration of the frequency of occurrence and  
88 severity of the reaction, shall find that the substance has a significant  
89 potential for causing hypersensitivity;

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

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

107 (m) "Label" means a display of written, printed or graphic matter  
108 upon the immediate container of any substance or, in the case of an  
109 article which is unpackaged or is not packaged in an immediate  
110 container intended or suitable for delivery to the ultimate consumer, a  
111 display of such matter directly upon the article involved or upon a tag  
112 or other suitable material affixed thereto, and a requirement made by  
113 or under authority of this section and sections 21a-336 to 21a-346,  
114 inclusive, that any word, statement or other information appear on the  
115 label shall not be considered to be complied with unless such word,  
116 statement or other information also appears (1) on the outside

117 container or wrapper, if any there be, unless it is easily legible through  
118 the outside container or wrapper and (2) on all accompanying  
119 literature where there are directions for use, written or otherwise;

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

121 (o) "Misbranded hazardous substance" means a hazardous  
122 substance, including a toy, or other article intended for use by  
123 children, which is a hazardous substance, or which bears or contains a  
124 hazardous substance in such manner as to be susceptible of access by a  
125 child to whom such toy or other article is entrusted, intended, or  
126 packaged in a form suitable, for use in the household or by children,  
127 which substance, except as otherwise provided by or pursuant to  
128 section 21a-336, fails to bear a label (1) which states conspicuously (A)  
129 the name and place of business of the manufacturer, packer,  
130 distributor or seller; (B) the common or usual name or the chemical  
131 name, if there is no common or usual name, of the hazardous  
132 substance or of each component which contributes substantially to its  
133 hazard, unless the administrator by regulation permits or requires the  
134 use of a recognized generic name; (C) the signal word "danger" on  
135 substances which are extremely flammable, corrosive or highly toxic;  
136 (D) the signal word "warning" or "caution" on all other hazardous  
137 substances; (E) an affirmative statement of the principal hazard or  
138 hazards, such as "Flammable", "Combustible", "Vapor Harmful",  
139 "Causes Burns", "Absorbed Through Skin" or similar wording  
140 descriptive of the hazard; (F) precautionary measures describing the  
141 action to be followed or avoided, except when modified by regulation  
142 of the administrator pursuant to section 21a-336; (G) instruction, when  
143 necessary or appropriate, for first-aid treatment; (H) the word "poison"  
144 for any hazardous substance which is defined as "highly toxic" by  
145 subsection (g); (I) instructions for handling and storage of packages  
146 which require special care in handling or storage; and (J) the statement  
147 (i) "Keep out of the reach of children" or its practical equivalent or, (ii)  
148 if the article is intended for use by children and is not a banned  
149 hazardous substance, adequate directions for the protection of children  
150 from the hazard, and (2) on which any statements required under

151 subdivision (1) of this subsection are located prominently and are in  
152 the English language in conspicuous and legible type in contrast by  
153 typography, layout or color with other printed matter on the label;

154 (p) "Banned hazardous substance" means (A) any toy, or other  
155 article intended for use by children, which is a hazardous substance, or  
156 which bears or contains a hazardous substance in such manner as to be  
157 susceptible of access by a child to whom such toy or other article is  
158 entrusted; (B) any children's product with greater than forty parts per  
159 million total lead content by weight for any part of the product; (C)  
160 any children's product with lead-containing paint greater than forty  
161 parts per million total lead content; (D) any children's product with  
162 greater than .004 milligrams of lead per centimeter squared; (E) any  
163 hazardous substance intended, or packaged in a form suitable, for use  
164 in a household, classified, pursuant to section 21a-336 or pursuant to  
165 federal regulations adopted under authority of the federal Hazardous  
166 Substances Act (15 USC 1261 et seq.), as a "banned hazardous  
167 substance" that, notwithstanding such cautionary labeling as is or may  
168 be required under this section and sections 21a-336 to 21a-346,  
169 inclusive, for that substance, the degree or nature of the hazard  
170 involved in the presence or use of such substance in households is  
171 such that the objective of the protection of the public health and safety  
172 can be adequately served only by keeping such substance, when so  
173 intended or packaged, out of the channels of commerce; provided the  
174 administrator, by regulations adopted in accordance with chapter 54,  
175 shall exempt from subparagraph (A) of this subdivision articles, such  
176 as chemical sets, which by reason of their functional purpose require  
177 the inclusion of the hazardous substance involved or necessarily  
178 present in electrical, mechanical or thermal hazard and which bear  
179 labeling giving adequate directions and warnings for safe use and are  
180 intended for use by children who have attained sufficient maturity,  
181 and may reasonably be expected, to read and heed such directions and  
182 warnings; [(C)] (F) any new wood-burning stove, coal-burning stove,  
183 solid fuel add-on units or combination of such stoves and units, which  
184 is offered for sale or installed in any building, dwelling or structure in

185 this state on or after July 1, 1985, and which has not been tested in  
186 accordance with Underwriter's Laboratory Standard Number 1482;  
187 [(D)] (G) any new unvented fuel-burning room heater offered for sale  
188 or use in any building, dwelling or structure in this state on or after  
189 July 1, 1985, which has not been tested in accordance with  
190 Underwriter's Laboratory Standard Number 647 for unvented  
191 kerosene heaters and American National Standards Institute Standard  
192 Number Z21.11.2 for unvented gas heaters;

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

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

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

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

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

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

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

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

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

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

239 (a) The following acts and the causing thereof are prohibited: (1)  
240 The introduction or delivery for introduction into commerce of any  
241 misbranded hazardous substance or banned hazardous substance; (2)  
242 the manufacturing, remanufacturing, retrofitting, distributing, selling  
243 at wholesale or retail, contracting to sell or resell, lease, sublet or  
244 otherwise place in the stream of commerce: (A) Any children's product  
245 that has been designated a banned hazardous substance under this  
246 chapter or the Federal Hazardous Substances Act; (B) any children's  
247 product that has been subject to voluntary corrective action taken by



248 the manufacturer, wholesaler, distributor or importer, or has been  
249 recalled by the manufacturer, wholesaler, distributor or importer in  
250 cooperation with an agency of the federal government and the recall  
251 has not been rescinded and the defect in the product has not been  
252 corrected; or (C) any children's product that is not otherwise in  
253 conformity with applicable consumer safety product standards under  
254 this chapter, or any similar rule under another chapter of the general  
255 statutes or any federal laws or regulations; (3) the alteration,  
256 mutilation, destruction, obliteration or removal of the whole or any  
257 part of the label of, or the doing of any other act with respect to, a  
258 hazardous substance if such act is done while the substance is in  
259 commerce, or while the substance is held for sale, whether or not the  
260 first sale, after shipment in commerce, and results in the hazardous  
261 substance being a misbranded hazardous substance or a banned  
262 hazardous substance; [(3)] (4) the receipt in commerce of any  
263 misbranded hazardous substance or banned hazardous substance and  
264 the delivery or proffered delivery thereof for pay or otherwise; [(4)] (5)  
265 the giving of a guarantee or undertaking referred to in subdivision (2)  
266 of subsection (b) of section 21a-338 which guarantee or undertaking is  
267 false, except by a person who relied upon a guarantee or undertaking  
268 to the same effect signed by, and containing the name and address of,  
269 the person residing in the United States from whom he received in  
270 good faith the hazardous substance; [(5)] (6) the failure to permit entry  
271 or inspection as authorized by subsection (a) of section 21a-343 or to  
272 permit access to and copying of any record as authorized by section  
273 21a-344; [(6)] (7) the introduction or delivery for introduction into  
274 commerce, or the receipt in commerce and subsequent delivery or  
275 proffered delivery for pay or otherwise, of a hazardous substance in a  
276 reused food, drug or cosmetic container or in a container which,  
277 though not a reused container, is identifiable as a food, drug or  
278 cosmetic container by its labeling or by other identification. The reuse  
279 of a food, drug or cosmetic container as a container for a hazardous  
280 substance shall be deemed to be an act which results in the hazardous  
281 substance being a misbranded hazardous substance. As used in this  
282 subdivision, the terms "food", "drug" and "cosmetic" shall have the

283 same meanings as in the Connecticut Food, Drug and Cosmetic Act;  
284 [(7)] (8) the use by any person to his own advantage, or revealing other  
285 than to the administrator or officers or employees of the agency, or to  
286 the courts when relevant in any judicial proceeding under sections 21a-  
287 335 to 21a-346, inclusive, of any information acquired under authority  
288 of section 21a-343 concerning any method of process which as a trade  
289 secret is entitled to protection; [(8)] (9) the introduction or delivery for  
290 introduction into commerce of any item containing asbestos which  
291 reasonably may be expected to be used in the construction or repair of  
292 structures, without clearly indicating by labeling thereon that the item  
293 contains asbestos and that asbestos may cause cancer when inhaled;  
294 [(9)] (10) the alteration or removal of any item upon which the  
295 commissioner or his authorized agent has placed an embargo prior to  
296 the time the commissioner, such agent or a court permits the alteration  
297 or removal of such item; [(10)] (11) the introduction or delivery for  
298 introduction into commerce, after December 31, 1992, of any toy or  
299 other article for sale in this state and marketed for the use of children  
300 between the ages of three and seven, or determined to be for the use of  
301 children between the ages of three and seven by the federal Consumer  
302 Product Safety Commission pursuant to 16 CFR Part 1500 et seq., as  
303 published in the Code of Federal Regulations Revised to January 1,  
304 1991, and as from time to time amended, or the Commissioner of  
305 Consumer Protection pursuant to sections 21a-335 to 21a-346,  
306 inclusive, which would be classified as a banned hazardous substance  
307 under 16 CFR Part 1501.4(b)(1) of said code and does not bear a  
308 conspicuous warning label that clearly and specifically communicates  
309 that the contents include small parts which pose a hazard for children  
310 under the age of three, except that any toy or other article that  
311 contains, as of December 31, 1992, a safety warning label in substantial  
312 compliance with the requirements of this subdivision shall be  
313 determined by the commissioner to be in compliance with this  
314 subdivision until October 1, 1993. As used in this subdivision,  
315 "conspicuous" has the same meaning and characteristics regarding  
316 type size as in 16 CFR Part 1500.121(c)(2) of said code; and [(11)] (12)  
317 the introduction or delivery for introduction into commerce, or the

318 distribution or sale, of a drying oil or drying oil product, manufactured  
319 after December 31, 1994, which does not bear a conspicuous warning  
320 label on a side or back panel of such product stating: "DANGER -  
321 RAGS, STEEL WOOL OR WASTE SOAKED WITH .... (INSERT  
322 PRODUCT NAME) MAY SPONTANEOUSLY CATCH FIRE IF  
323 IMPROPERLY DISCARDED. IMMEDIATELY AFTER USE, PLACE  
324 RAGS, STEEL WOOL OR WASTE IN A SEALED WATER-FILLED  
325 METAL CONTAINER." As used in this subdivision, "conspicuous" has  
326 the same meaning and characteristics regarding type size as in 16 CFR  
327 Part 1500.121 (c)(2) of said code.

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

340 (c) If the administrator determines that it is not feasible for certain  
341 children's products that are electronic devices, including batteries, to  
342 meet the standards pursuant to subparagraph (B) of subsection (p) of  
343 section 21a-335, as amended by this act, by October 1, 2008, the  
344 administrator shall adopt regulations, in accordance with chapter 54,  
345 to (1) set standards to reduce the exposure of and accessibility to lead  
346 in such devices, and (2) establish a schedule by which such electronic  
347 devices shall be in full compliance with the standards established in  
348 said subparagraph (B). Such devices shall not be considered banned  
349 hazardous substances pursuant to said subsection (p) if they comply  
350 with the provisions of such regulations.

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

353 (a) Whenever in the judgment of the administrator such action will  
354 promote the objectives of sections 21a-335 to 21a-346, inclusive, by  
355 avoiding or resolving uncertainty as to application, the administrator  
356 may, by regulation, declare to be a hazardous substance, for the  
357 purposes of said sections, any substance or mixture of substances  
358 which he finds meets the requirements of subdivision (1) of subsection  
359 (e) of section 21a-335.

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

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

376 Sec. 4. (NEW) (*Effective October 1, 2008*) In addition to the list  
377 compiled pursuant to section 21a-336 of the general statutes, as  
378 amended by this act, the administrator, in consultation with the  
379 Commissioner of Public Health, shall compile, and from time to time  
380 amend, a list of other toxic substances and the recommended  
381 maximum amount in parts per million total content of such toxic  
382 substances that should not be used in children's products. In addition,

383 the administrator shall compile, and from time to time amend, a list of  
384 safer alternatives to using said toxic substances.

385 Sec. 5. (NEW) (*Effective October 1, 2008*) All retailers or other  
386 businesses in this state that have a banned hazardous substance for  
387 sale at the time such product has been designated a banned hazardous  
388 substance by the administrator shall submit a banned hazardous  
389 substance final disposition report to the Department of Consumer  
390 Protection no later than thirty days after such designation, and every  
391 thirty days thereafter until the product has been disposed. The report  
392 shall include, but not be limited to: (1) The type, make and model,  
393 quantity and disposition of any article declared a banned hazardous  
394 substance by the administrator; (2) information related to how such  
395 items have been disposed, including where the products were sent or  
396 returned to be destroyed; and (3) a sworn statement indicating that the  
397 banned hazardous substances have not been sold or distributed to any  
398 other business entity for resale or distribution to the consumer market.

399 Sec. 6. (NEW) (*Effective October 1, 2008*) The administrator shall  
400 adopt regulations, pursuant to chapter 54 of the general statutes,  
401 identifying consumer products that a child may reasonably or  
402 foreseeably come into contact with. No person, firm or corporation  
403 engaged in commerce shall have, offer for sale, sell or give away any  
404 consumer product, identified in such regulations, bearing lead-  
405 containing paint that may be used by the general public unless it bears  
406 the warning statement prescribed by federal regulation. (1) If no such  
407 federal regulation is prescribed, the warning statement shall be as  
408 follows when the consumer product bears lead-containing paint:  
409 "WARNING--CONTAINS LEAD. DRIED FILM OF THIS SUBSTANCE  
410 MAY BE HARMFUL IF EATEN OR CHEWED. See Other Cautions on  
411 (Side or Back) Panel. Do not apply on toys, or other children's articles,  
412 furniture, or interior or exterior exposed surfaces of any residential  
413 building or facility that may be occupied or used by children. KEEP  
414 OUT OF THE REACH OF CHILDREN.". (2) If no such federal  
415 regulation is prescribed, the warning statement shall be as follows  
416 when the consumer product bears a form of lead other than lead-

417 containing paint: "WARNING CONTAINS LEAD. MAY BE  
 418 HARMFUL IF EATEN OR CHEWED. MAY GENERATE DUST  
 419 CONTAINING LEAD. KEEP OUT OF THE REACH OF CHILDREN."  
 420 The placement, conspicuousness and contrast of such labeling shall be  
 421 in accordance with 16 CFR 1500.121.

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

425 (b) No person shall be subject to the penalties of subsection (a) of  
 426 this section, (1) for having violated subdivision [(3)] (4) of section 21a-  
 427 337, as amended by this act, if the receipt, delivery or proffered  
 428 delivery of the hazardous substance was made in good faith, unless he  
 429 refuses to furnish, on request of an officer or employee duly  
 430 designated by the administrator, the name and address of the person  
 431 from whom he purchased or received such hazardous substance, and  
 432 copies of all documents, if any there be, pertaining to the delivery of  
 433 the hazardous substance to him; or (2) for having violated subdivision  
 434 (1) of said section 21a-337, as amended by this act, if he establishes a  
 435 guarantee or undertaking signed by, and containing the name and  
 436 address of, the person residing in the United States from whom he  
 437 received in good faith the hazardous substance, to the effect that the  
 438 hazardous substance is not a misbranded hazardous substance or a  
 439 banned hazardous substance within the meaning of those terms in  
 440 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
Sec. 2	<i>October 1, 2008</i>	21a-337
Sec. 3	<i>October 1, 2008</i>	21a-336
Sec. 4	<i>October 1, 2008</i>	New section
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>	21a-338(b)

