



General Assembly

February Session, 2008

Raised Bill No. 343

LCO No. 1987

01987_____KID

Referred to Committee on Select Committee on Children

Introduced by:
(KID)

AN ACT CONCERNING SAFE PRODUCTS FOR CHILDREN.

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2 repealed and the following is substituted in lieu thereof (*Effective*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 six hundred
9 parts per million total lead content by weight for any part of the
10 product; (C) any children's product with lead-containing paint greater
11 than ninety parts per million total lead content or .009 milligrams per
12 centimeter squared; (D) any hazardous substance intended, or
13 packaged in a form suitable, for use in a household, classified,
14 pursuant to section 21a-336 or pursuant to federal regulations adopted
15 under authority of the federal Hazardous Substances Act (15 USC 1261
16 et seq.), as a "banned hazardous substance" that, notwithstanding such
17 cautionary labeling as is or may be required under this section and

18 sections 21a-336 to 21a-346, inclusive, for that substance, the degree or
19 nature of the hazard involved in the presence or use of such substance
20 in households is such that the objective of the protection of the public
21 health and safety can be adequately served only by keeping such
22 substance, when so intended or packaged, out of the channels of
23 commerce; provided the administrator, by regulations adopted in
24 accordance with chapter 54, shall exempt from subparagraph (A) of
25 this subdivision articles, such as chemical sets, which by reason of their
26 functional purpose require the inclusion of the hazardous substance
27 involved or necessarily present in electrical, mechanical or thermal
28 hazard and which bear labeling giving adequate directions and
29 warnings for safe use and are intended for use by children who have
30 attained sufficient maturity, and may reasonably be expected, to read
31 and heed such directions and warnings; [(C)] (E) any new wood-
32 burning stove, coal-burning stove, solid fuel add-on units or
33 combination of such stoves and units, which is offered for sale or
34 installed in any building, dwelling or structure in this state on or after
35 July 1, 1985, and which has not been tested in accordance with
36 Underwriter's Laboratory Standard Number 1482; [(D)] (F) any new
37 unvented fuel-burning room heater offered for sale or use in any
38 building, dwelling or structure in this state on or after July 1, 1985,
39 which has not been tested in accordance with Underwriter's
40 Laboratory Standard Number 647 for unvented kerosene heaters and
41 American National Standards Institute Standard Number Z21.11.2 for
42 unvented gas heaters.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

218 Sec. 8. Subsection (b) of section 21a-338 of the general statutes is
 219 repealed and the following is substituted in lieu thereof (*Effective July*
 220 *1, 2008*):

221 (b) No person shall be subject to the penalties of subsection (a) of
 222 this section, (1) for having violated subdivision [(3)] (4) of section 21a-
 223 337, as amended by this act, if the receipt, delivery or proffered
 224 delivery of the hazardous substance was made in good faith, unless he
 225 refuses to furnish, on request of an officer or employee duly
 226 designated by the administrator, the name and address of the person
 227 from whom he purchased or received such hazardous substance, and
 228 copies of all documents, if any there be, pertaining to the delivery of
 229 the hazardous substance to him; or (2) for having violated subdivision
 230 (1) of said section 21a-337, as amended by this act, if he establishes a
 231 guarantee or undertaking signed by, and containing the name and
 232 address of, the person residing in the United States from whom he
 233 received in good faith the hazardous substance, to the effect that the
 234 hazardous substance is not a misbranded hazardous substance or a
 235 banned hazardous substance within the meaning of those terms in
 236 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.]