



General Assembly

February Session, 2008

Raised Bill No. 527

LCO No. 2435

02435 _____ GL_

Referred to Committee on General Law

Introduced by:

(GL)

AN ACT PROHIBITING CERTAIN HARMFUL CHEMICALS IN CHILDREN'S PRODUCTS AND BANNING THE SALE OF RECALLED PRODUCTS.

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

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 Section 21a-337 of the general statutes is repealed and the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

3 The following acts and the causing thereof are prohibited: (1) The
4 introduction or delivery for introduction into commerce of any
5 misbranded hazardous substance or banned hazardous substance; (2)
6 the manufacturing, remanufacturing, retrofitting, distributing, selling
7 at wholesale or retail, contracting to sell or resell, lease, sublet or
8 otherwise place in the stream of commerce: (A) Any product that has
9 been designated a banned hazardous substance under this chapter or
10 the Federal Hazardous Substances Act; (B) any product that has been
11 subject to voluntary corrective action taken by the manufacturer,
12 wholesaler, distributor or importer, or has been recalled by the
13 manufacturer, wholesaler, distributor or importer in cooperation with
14 an agency of the federal government and the recall has not been
15 rescinded; or (C) any children's product that is not otherwise in

16 conformity with applicable consumer safety product standards under
17 this chapter, or any similar rule under another chapter of the general
18 statutes or any federal laws or regulations; (3) the alteration,
19 mutilation, destruction, obliteration or removal of the whole or any
20 part of the label of, or the doing of any other act with respect to, a
21 hazardous substance if such act is done while the substance is in
22 commerce, or while the substance is held for sale, whether or not the
23 first sale, after shipment in commerce, and results in the hazardous
24 substance being a misbranded hazardous substance or a banned
25 hazardous substance; [(3)] (4) the receipt in commerce of any
26 misbranded hazardous substance or banned hazardous substance and
27 the delivery or proffered delivery thereof for pay or otherwise; [(4)] (5)
28 the giving of a guarantee or undertaking referred to in subdivision (2)
29 of subsection (b) of section 21a-338 which guarantee or undertaking is
30 false, except by a person who relied upon a guarantee or undertaking
31 to the same effect signed by, and containing the name and address of,
32 the person residing in the United States from whom he received in
33 good faith the hazardous substance; [(5)] (6) the failure to permit entry
34 or inspection as authorized by subsection (a) of section 21a-343 or to
35 permit access to and copying of any record as authorized by section
36 21a-344; [(6)] (7) the introduction or delivery for introduction into
37 commerce, or the receipt in commerce and subsequent delivery or
38 proffered delivery for pay or otherwise, of a hazardous substance in a
39 reused food, drug or cosmetic container or in a container which,
40 though not a reused container, is identifiable as a food, drug or
41 cosmetic container by its labeling or by other identification. The reuse
42 of a food, drug or cosmetic container as a container for a hazardous
43 substance shall be deemed to be an act which results in the hazardous
44 substance being a misbranded hazardous substance. As used in this
45 subdivision, the terms "food", "drug" and "cosmetic" shall have the
46 same meanings as in the Connecticut Food, Drug and Cosmetic Act;
47 [(7)] (8) the use by any person to his own advantage, or revealing other
48 than to the administrator or officers or employees of the agency, or to
49 the courts when relevant in any judicial proceeding under sections 21a-

50 335 to 21a-346, inclusive, of any information acquired under authority
51 of section 21a-343 concerning any method of process which as a trade
52 secret is entitled to protection; [(8)] (9) the introduction or delivery for
53 introduction into commerce of any item containing asbestos which
54 reasonably may be expected to be used in the construction or repair of
55 structures, without clearly indicating by labeling thereon that the item
56 contains asbestos and that asbestos may cause cancer when inhaled;
57 [(9)] (10) the alteration or removal of any item upon which the
58 commissioner or his authorized agent has placed an embargo prior to
59 the time the commissioner, such agent or a court permits the alteration
60 or removal of such item; [(10)] (11) the introduction or delivery for
61 introduction into commerce, after December 31, 1992, of any toy or
62 other article for sale in this state and marketed for the use of children
63 between the ages of three and seven, or determined to be for the use of
64 children between the ages of three and seven by the federal Consumer
65 Product Safety Commission pursuant to 16 CFR Part 1500 et seq., as
66 published in the Code of Federal Regulations Revised to January 1,
67 1991, and as from time to time amended, or the Commissioner of
68 Consumer Protection pursuant to sections 21a-335 to 21a-346,
69 inclusive, which would be classified as a banned hazardous substance
70 under 16 CFR Part 1501.4(b)(1) of said code and does not bear a
71 conspicuous warning label that clearly and specifically communicates
72 that the contents include small parts which pose a hazard for children
73 under the age of three, except that any toy or other article that
74 contains, as of December 31, 1992, a safety warning label in substantial
75 compliance with the requirements of this subdivision shall be
76 determined by the commissioner to be in compliance with this
77 subdivision until October 1, 1993. As used in this subdivision,
78 "conspicuous" has the same meaning and characteristics regarding
79 type size as in 16 CFR Part 1500.121(c)(2) of said code; [and (11)] (12)
80 the introduction or delivery for introduction into commerce, or the
81 distribution or sale, of a drying oil or drying oil product, manufactured
82 after December 31, 1994, which does not bear a conspicuous warning
83 label on a side or back panel of such product stating: "DANGER -

84 RAGS, STEEL WOOL OR WASTE SOAKED WITH (INSERT
 85 PRODUCT NAME) MAY SPONTANEOUSLY CATCH FIRE IF
 86 IMPROPERLY DISCARDED. IMMEDIATELY AFTER USE, PLACE
 87 RAGS, STEEL WOOL OR WASTE IN A SEALED WATER-FILLED
 88 METAL CONTAINER;" and (13) the introduction or delivery for
 89 introduction into commerce, after January 1, 2009, of (A) any toy or
 90 other article for sale in this state and marketed for the use of children
 91 under the age of twelve years that has a lead content of more than
 92 forty parts per million of di-(2-ethylhexyl) phthalate (DEHP),
 93 dibutylphthalate (DBP), or benzyl butyl phthalate (BBP), in
 94 concentrations exceeding one-tenth of one per cent; or (B) any toy or
 95 other article for sale in this state and marketed for the use of children
 96 under the age of three years, if such toy or other article can be placed
 97 in a child's mouth and if such product contains diisononyl phthalate
 98 (DINP), diisodecyl phthalate (DIDP), or di-n-octyl phthalate (DnOP),
 99 in concentrations exceeding one-tenth of one per cent or if such toy or
 100 other article contains bisphenol-A. As used in this subdivision,
 101 "conspicuous" has the same meaning and characteristics regarding
 102 type size as in 16 CFR Part 1500.121 (c)(2) of said code.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2008</i>	21a-337

Statement of Purpose:
 To ban the sale of certain hazardous substances and recalled products and to prohibit certain chemicals 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.]