



General Assembly

**Substitute Bill No. 5130**

February Session, 2010

\* \_\_\_\_\_HB05130ENV\_\_\_031610\_\_\_\_\_\*

**AN ACT CONCERNING CHILD SAFE PRODUCTS.**

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

1 Section 1. (NEW) (*Effective from passage*) (a) Not later than July 1,  
2 2011, the Commissioner of Public Health, in consultation with the  
3 Commissioners of Environmental Protection and Consumer  
4 Protection, shall adopt regulations, in accordance with the provisions  
5 of chapter 54 of the general statutes, to: (1) Establish a list of not less  
6 than five priority chemicals in accordance with this subsection that are  
7 of high concern to children's health and development due to the fact  
8 that credible scientific evidence indicates such chemical is a  
9 carcinogen, a reproductive or developmental toxicant, an endocrine  
10 disruptor, a persistent bioaccumulative toxin or a very persistent, very  
11 bioaccumulative toxin; and (2) to prohibit any manufacturer,  
12 distributor, wholesaler or retailer from manufacturing, knowingly  
13 selling, distributing for sale or distributing for use in this state any  
14 children's product, as defined in section 21a-335 of the general statutes,  
15 or component of a children's product that contains any chemical that is  
16 listed for a period of three years or longer on the priority chemical list  
17 developed pursuant to subdivision (1) of this section.

18 (b) Any chemical listed on the priority chemical list pursuant to  
19 subdivision (1) of subsection (a) of this section shall meet one or more  
20 of the following criteria: (1) Such chemical, as determined by

21 biomonitoring studies, is present in human umbilical cord blood,  
22 human breast milk, human blood or other bodily tissues or fluids; (2)  
23 such chemical, as determined by sampling and analysis, is present in  
24 household dust, indoor air, drinking water or any area of the home  
25 environment; or (3) such chemical is added to or present in a consumer  
26 product that is present in the home environment. In determining  
27 which chemicals to list as priority chemicals pursuant to subdivision  
28 (1) of subsection (a) of this section, the Commissioner of Public Health  
29 shall consider inclusion of those chemicals designated as chemicals of  
30 high concern by the interstate clearinghouse concerning chemicals, as  
31 described in section 22a-902 of the general statutes. Not later than July  
32 1, 2012, and each year thereafter, the Commissioner of Public Health,  
33 in consultation with the Commissioners of Environmental Protection  
34 and Consumer Protection, shall amend such regulations to add  
35 additional chemicals to such priority chemical list as necessary.

36 (c) Regulations adopted pursuant to subdivision (2) of subsection (a)  
37 of this section may authorize the commissioner to require such  
38 manufacturer, distributor, wholesaler or retailer, as applicable, to  
39 provide a certificate of independent, third-party testing to determine  
40 whether such children's product contains any such priority chemical.  
41 Such regulations shall not prohibit the manufacture, sale, distribution  
42 for sale or distribution for use of a children's product on the sole basis  
43 that such children's product contains a priority chemical in: (1) A de  
44 minimis amount that does not exceed a harmful level; or (2) a  
45 component of such children's product, provided such component is  
46 not accessible to a child because such component is covered or  
47 contained in a casing and will not become physically exposed through  
48 the normal and reasonably foreseeable use and abuse of such  
49 children's product. No regulation adopted pursuant to subdivision (2)  
50 of subsection (a) of this section shall prohibit the manufacture, sale,  
51 distribution for sale or distribution for use of any chemical present in  
52 or used in the production or packaging of any drug intended for use in  
53 humans or animals, as defined in 21 USC 321, that is manufactured or  
54 distributed in a manner consistent with the requirements of the federal

55 Food, Drug and Cosmetic Act or the Public Health Service Act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section

**ENV**      *Joint Favorable Subst.*