



General Assembly

Substitute Bill No. 5130

February Session, 2010

* _____HB05130GL_____041210_____*

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) As used in this section
2 and section 2 of this act:

3 (1) "Priority chemicals" means chemicals identified by a state
4 agency, federal agency, accredited research university or through
5 scientific evidence deemed authoritative by the Commissioner of
6 Public Health known to have one or more of the following
7 characteristics: (A) Causes cancer, genetic damage or reproductive
8 harm; (B) disrupts the endocrine system; (C) is persistent,
9 bioaccumulative and toxic; or (D) is very persistent and very
10 bioaccumulative;

11 (2) "Persistent" means a substance, including, but not limited to, a
12 heavy metal, that remains unaffected in the environment;

13 (3) "Bioaccumulative" means a substance that travels up the food
14 chain due to its tendency to be soluble in fat but not in water;

15 (4) "Toxic" means poisonous to animals, including humans;

16 (5) "Very persistent" means a substance, including, but not limited
17 to, a heavy metal, that has: (A) A half-life in soil or sediment of greater
18 than one hundred eighty days; or (B) a half-life greater than sixty days

19 in water;

20 (6) "Very bioaccumulative" means having a bioconcentration factor
21 or bioaccumulation factor greater than or equal to five thousand, or if
22 neither are available, having a log Kow greater than 5.0;

23 (7) "Background contamination" means the total of the extraneous
24 particles of a priority chemical which are introduced in the process of
25 obtaining, storing, moving, transferring and analyzing a children's
26 product sample.

27 (b) The Commissioner of Public Health, in consultation with the
28 Commissioners of Environmental Protection and Consumer
29 Protection, may adopt regulations, in accordance with the provisions
30 of chapter 54 of the general statutes, to: (1) Establish a list of not more
31 than five priority chemicals; and (2) to prohibit any manufacturer,
32 distributor, wholesaler or retailer from manufacturing, knowingly
33 selling, distributing for sale or distributing for use in this state any
34 children's product, as defined in section 21a-335 of the general statutes,
35 or component of a children's product that contains any chemical that is
36 listed for a period of three years or longer on the priority chemical list
37 developed pursuant to subdivision (1) of this subsection.

38 (c) In determining which chemicals to list as priority chemicals
39 pursuant to subdivision (1) of subsection (b) of this section, the
40 Commissioner of Public Health shall consider inclusion of those
41 chemicals designated as chemicals of high concern by an interstate
42 clearinghouse concerning chemicals, as described in section 22a-902 of
43 the general statutes. The Commissioner of Public Health, in
44 consultation with the Commissioners of Environmental Protection and
45 Consumer Protection, may amend such regulations, annually, to add
46 not more than one additional chemical in such year to such priority
47 chemical list as necessary.

48 (d) Regulations adopted pursuant to subdivision (2) of subsection
49 (b) of this section may authorize the commissioner to require a
50 manufacturer, distributor, wholesaler or retailer, as applicable, to

51 provide upon request a certificate of independent, third-party testing
52 to determine whether such children's product contains any such
53 priority chemical. Such regulations shall not prohibit the manufacture,
54 sale, distribution for sale or distribution for use of a children's product
55 on the sole basis that such children's product contains a priority
56 chemical in: (1) A de minimis amount that cannot be avoided due to
57 background contamination; or (2) a component of such children's
58 product, provided such component is not accessible to children
59 because such component is covered or contained in a casing and will
60 not become physically exposed through the normal and reasonably
61 foreseeable use of such children's product. No regulation adopted
62 pursuant to subdivision (2) of subsection (b) of this section shall
63 prohibit the manufacture, sale, distribution for sale or distribution for
64 use of any drug or packaging for such drug intended for use in
65 humans or animals, as defined in 21 USC 321, that is manufactured or
66 distributed in a manner consistent with the requirements of the federal
67 Food, Drug and Cosmetic Act or the Public Health Service Act.

68 Sec. 2. (NEW) (*Effective from passage*) (a) On or before July 1, 2011,
69 and annually thereafter, the Commissioner of Public Health shall,
70 within existing budgetary resources, provide a written report to the
71 joint standing committees of the General Assembly having cognizance
72 of matters relating to public health, the environment and consumer
73 protection, in accordance with the provisions of section 11-4a of the
74 general statutes. Such report shall contain: (1) A description of the
75 progress made towards the adoption of the regulations authorized
76 pursuant to subsection (b) of section 1 of this act; (2) a detailed list of
77 chemicals on the priority chemicals list specified in subdivision (1) of
78 subsection (b) of section 1 of this act, if any; (3) a detailed list of all
79 chemicals being considered for placement on such list; (4) any scientific
80 data or other information supporting or not supporting the inclusion
81 of such chemicals on such list; and (5) possible alternative chemicals or
82 substances that may be substituted in lieu of any chemicals included or
83 considered for placement on such list.

84 (b) The most current version of the report required pursuant to

85 subsection (a) of this section shall be posted on the Department of
86 Public Health's Internet web site.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section

GL *Joint Favorable Subst.*