



General Assembly

Amendment

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LCO No. 3591

HB0513003591HDO

Offered by:

REP. ROY, 119th Dist.
SEN. MEYER, 12th Dist.
REP. BYE, 19th Dist.
REP. REED, 102nd Dist.

To: Subst. House Bill No. 5130

File No. 214

Cal. No. 128

"AN ACT CONCERNING CHILD SAFE PRODUCTS."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective from passage*) (a) As used in this section
4 and section 2 of this act:

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

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

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

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

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

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

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

28 (b) The Commissioner of Public Health, in consultation with the
29 Commissioners of Environmental Protection and Consumer
30 Protection, shall establish a list of priority chemicals. In determining
31 which chemicals to list as priority chemicals, the Commissioner of
32 Public Health shall consider inclusion of those chemicals designated as
33 chemicals of high concern by an interstate clearinghouse concerning
34 chemicals, as described in section 22a-902 of the general statutes. The
35 Commissioner of Public Health shall file such list with the clerk of the
36 House of Representatives of the General Assembly on or before
37 February 1, 2012, and annually thereafter. Not later than five days after
38 receipt of such list, the clerk shall forward such list to the joint
39 standing committee of the General Assembly having cognizance of
40 matters relating to public health. Not later than thirty days after receipt
41 of such list, said committee shall vote to approve or reject such list.
42 Such list may not be amended. If said committee fails to act on such list
43 within such thirty-day period, such list shall be deemed approved.

44 (c) (1) No manufacturer, distributor, wholesaler or retailer shall
45 manufacture, knowingly sell, distribute for sale or distribute for use in
46 this state any children's product, as defined in section 21a-335 of the
47 general statutes, or component of a children's product that contains
48 any chemical that is listed for a period of three years or longer on the
49 priority chemical list developed pursuant to subsection (b) of this
50 section.

51 (2) The commissioner may require a manufacturer, distributor,
52 wholesaler or retailer, as applicable, to provide upon request a
53 certificate of independent, third-party testing to determine whether
54 such children's product contains any such priority chemical.

55 (3) Nothing in this section shall be construed to prohibit the
56 manufacture, sale, distribution for sale or distribution for use of a
57 children's product on the sole basis that such children's product
58 contains a priority chemical in: (A) A de minimis amount that cannot
59 be avoided due to background contamination; or (B) a component of
60 such children's product, provided such component is not accessible to
61 children because such component is covered or contained in a casing
62 and will not become physically exposed through the normal and
63 reasonably foreseeable use of such children's product. Nothing in this
64 section shall be construed to prohibit the manufacture, sale,
65 distribution for sale or distribution for use of any drug or packaging
66 for such drug intended for use in humans or animals, as defined in 21
67 USC 321, that is manufactured or distributed in a manner consistent
68 with the requirements of the federal Food, Drug and Cosmetic Act or
69 the Public Health Service Act.

70 Sec. 2. (NEW) (*Effective from passage*) (a) On or before July 1, 2011,
71 and annually thereafter, the Commissioner of Public Health shall,
72 within existing budgetary resources, provide a written report to the
73 joint standing committees of the General Assembly having cognizance
74 of matters relating to public health, the environment and consumer
75 protection, in accordance with the provisions of section 11-4a of the
76 general statutes. Such report shall contain: (1) A description of the

77 progress made towards the establishment of the priority chemicals list
 78 described in subsection (b) of section 1 of this act; (2) a detailed list of
 79 chemicals on such priority chemicals list, if any; (3) a detailed list of all
 80 chemicals being considered for placement on such list; (4) any scientific
 81 data or other information supporting or not supporting the inclusion
 82 of such chemicals on such list; and (5) possible alternative chemicals
 83 that may be substituted in lieu of any chemicals included or
 84 considered for placement on such list. In developing any such list of
 85 possible alternative chemicals, the commissioner may list any chemical
 86 that is not a priority chemical and presume that a safer alternative is
 87 available if: (A) The sale of a children's product that contains a priority
 88 chemical is banned in another state, and (B) such safer alternative is
 89 sold in this country.

90 (b) The most current version of the report required pursuant to
 91 subsection (a) of this section shall be posted on the Department of
 92 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