OLR BILL ANALYSIS

sSB 47

AN ACT PROHIBITING THE SALE OF GOODS AND USE OF BUILDING MATERIALS CONTAINING ASBESTOS.

SUMMARY

This bill expands upon current limits on asbestos products. It prohibits introducing, or delivering for introduction, into commerce any item containing asbestos, except when the item is part of the sale or rental of real property. It also prohibits using any materials containing asbestos for building construction or repair.

By contrast, current law prohibits introducing or delivering for introduction into commerce:

1. any toy or other article for sale containing asbestos and marketed for use by children under age 16; or

2. any asbestos-containing item that reasonably could be expected to be used in building construction or repair without a warning label stating that it contains asbestos and that asbestos may cause cancer when inhaled.

Violations of the bill are subject to the same criminal penalties as violations of current law. A first offense is generally punishable as a class B misdemeanor, punishable by up to six months in prison, a fine of up to $1,000, or both. A repeat offense or an offense committed with the intent to defraud or mislead is an unclassified misdemeanor, punishable by up to one year in prison, a fine of up to $5,000, or both.

Under the bill, the ban on introducing or delivering asbestos-containing items into commerce (with the real estate exception) is incorporated into the State Child Protection Act. The existing prohibitions on asbestos items noted above are similarly part of that
act. Thus, the Department of Consumer Protection can take certain actions to enforce the prohibition, including (1) applying to court for an injunction (CGS § 21a-339) and (2) imposing civil penalties of up to $100 after notice and a hearing, with each violation and each day’s continuance of a violation deemed a separate offense (CGS § 21a-350).

**COMMITTEE ACTION**

Public Health Committee

Joint Favorable Substitute

Yea 18  Nay 5  (03/08/2019)