

**Proposed Substitute
Bill No. 47**

LCO No. 5209

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

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

1 Section 1. (NEW) (*Effective October 1, 2019*) (a) The following acts
2 and the causing thereof are prohibited: (1) The introduction or delivery
3 for introduction into commerce of any item containing asbestos, except
4 when such item is introduced or delivered for introduction into
5 commerce as part of the sale or rental of real property; and (2) the use
6 of any materials containing asbestos in the construction or repair of a
7 structure.

8 (b) Any person who violates the provisions of subsection (a) of this
9 section shall be guilty of a class B misdemeanor but an offense
10 committed with intent to defraud or mislead, or a second or
11 subsequent offense, shall be an unclassified misdemeanor for which
12 the penalty shall be imprisonment for not more than one year, or a fine
13 of not more than five thousand dollars or both such imprisonment and
14 fine.

15 Sec. 2. Subsection (a) of section 21a-337 of the general statutes is
16 repealed and the following is substituted in lieu thereof (*Effective*
17 *October 1, 2019*):

18 (a) The following acts and the causing thereof are prohibited: (1)
19 The introduction or delivery for introduction into commerce of any
20 misbranded hazardous substance or banned hazardous substance; (2)
21 the manufacturing, distributing, selling at wholesale or retail,

22 contracting to sell or resell, lease, sublet or otherwise place in the
23 stream of commerce: (A) Any children's product that has been
24 designated a banned hazardous substance under this chapter or the
25 federal Hazardous Substances Act; (B) any children's product, except
26 for an article described in 21 USC 321(g), as amended from time to
27 time; that is the subject of voluntary or mandatory corrective action
28 taken under the direction of or in cooperation with an agency of the
29 federal government but the defect in such children's product has not
30 been so corrected; or (C) any children's product that is not otherwise in
31 conformity with applicable consumer safety product standards under
32 this chapter, or any similar rule under another chapter of the general
33 statutes or any federal laws or regulations; (3) the alteration,
34 mutilation, destruction, obliteration or removal of the whole or any
35 part of the label of, or the doing of any other act with respect to, a
36 hazardous substance if such act is done while the substance is in
37 commerce, or while the substance is held for sale, whether or not the
38 first sale, after shipment in commerce, and results in the hazardous
39 substance being a misbranded hazardous substance or a banned
40 hazardous substance; (4) the receipt in commerce of any misbranded
41 hazardous substance or banned hazardous substance and the delivery
42 or proffered delivery thereof for pay or otherwise; (5) the giving of a
43 guarantee or undertaking referred to in subdivision (2) of subsection
44 (b) of section 21a-338 which guarantee or undertaking is false, except
45 by a person who relied upon a guarantee or undertaking to the same
46 effect signed by, and containing the name and address of, the person
47 residing in the United States from whom he received in good faith the
48 hazardous substance; (6) the failure to permit entry or inspection as
49 authorized by subsection (a) of section 21a-343 or to permit access to
50 and copying of any record as authorized by section 21a-344; (7) the
51 introduction or delivery for introduction into commerce, or the receipt
52 in commerce and subsequent delivery or proffered delivery for pay or
53 otherwise, of a hazardous substance in a reused food, drug or cosmetic
54 container or in a container which, though not a reused container, is
55 identifiable as a food, drug or cosmetic container by its labeling or by
56 other identification. The reuse of a food, drug or cosmetic container as

57 a container for a hazardous substance shall be deemed to be an act
58 which results in the hazardous substance being a misbranded
59 hazardous substance. As used in this subdivision, "food", "drug" and
60 "cosmetic" have the same meanings as in the Connecticut Food, Drug
61 and Cosmetic Act; (8) the use by any person to his own advantage, or
62 revealing other than to the administrator or officers or employees of
63 the agency, or to the courts when relevant in any judicial proceeding
64 under sections 21a-335 to 21a-346, inclusive, of any information
65 acquired under authority of section 21a-343 concerning any method of
66 process which as a trade secret is entitled to protection; (9) the
67 introduction or delivery for introduction into commerce of any item
68 containing asbestos, [which reasonably may be expected to be used in
69 the construction or repair of structures, without clearly indicating by
70 labeling thereon that the item contains asbestos and that asbestos may
71 cause cancer when inhaled, or the introduction or delivery for
72 introduction into commerce of any toy or other article for sale in this
73 state marketed for the use of children under the age of sixteen
74 containing asbestos] except when such item is introduced or delivered
75 for introduction into commerce as part of the sale or rental of real
76 property; (10) the alteration or removal of any item upon which the
77 commissioner or his authorized agent has placed an embargo prior to
78 the time the commissioner, such agent or a court permits the alteration
79 or removal of such item; (11) the introduction or delivery for
80 introduction into commerce, after December 31, 1992, of any toy or
81 other article for sale in this state and marketed for the use of children
82 between the ages of three and seven, or determined to be for the use of
83 children between the ages of three and seven by the federal Consumer
84 Product Safety Commission pursuant to 16 CFR Part 1500 et seq., as
85 published in the Code of Federal Regulations Revised to January 1,
86 1991, and as from time to time amended, or the Commissioner of
87 Consumer Protection pursuant to sections 21a-335 to 21a-346,
88 inclusive, which would be classified as a banned hazardous substance
89 under 16 CFR Part 1501.4(b)(1) of said code and does not bear a
90 conspicuous warning label that clearly and specifically communicates
91 that the contents include small parts which pose a hazard for children

92 under the age of three, except that any toy or other article that
93 contains, as of December 31, 1992, a safety warning label in substantial
94 compliance with the requirements of this subdivision shall be
95 determined by the commissioner to be in compliance with this
96 subdivision until October 1, 1993. As used in this subdivision,
97 "conspicuous" has the same meaning and characteristics regarding
98 type size as in 16 CFR Part 1500.121(c)(2) of said code; and (12) the
99 introduction or delivery for introduction into commerce, or the
100 distribution or sale, of a drying oil or drying oil product, manufactured
101 after December 31, 1994, which does not bear a conspicuous warning
102 label on a side or back panel of such product stating: "DANGER -
103 RAGS, STEEL WOOL OR WASTE SOAKED WITH (INSERT
104 PRODUCT NAME) MAY SPONTANEOUSLY CATCH FIRE IF
105 IMPROPERLY DISCARDED. IMMEDIATELY AFTER USE, PLACE
106 RAGS, STEEL WOOL OR WASTE IN A SEALED WATER-FILLED
107 METAL CONTAINER." As used in this subdivision, "conspicuous" has
108 the same meaning and characteristics regarding type size as in 16 CFR
109 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, 2019</i>	New section
Sec. 2	<i>October 1, 2019</i>	21a-337(a)