

HB 408 -- Children's Product Safety Act

Sponsor: Low

This bill establishes the Children's Product Safety Act. In its main provisions, the bill:

- (1) Prohibits, beginning August 28, 2009, commercial dealers, manufacturers, importers, distributors, wholesalers, or retailers from manufacturing, remanufacturing, retrofitting, distributing, or selling any children's product that is unsafe;
- (2) Establishes certain criteria which deem a children's product to be unsafe;
- (3) Authorizes the Attorney General to maintain and update a comprehensive list of children's products which have been identified as unsafe as specified in the bill;
- (4) Presumes a baby crib to be unsafe if it doesn't conform to the standards established by the federal Consumer Product Safety Commission including, but not limited to, Title 16 of the Code of Federal Regulations and the standards endorsed or established by the American Society for Testing and Materials;
- (5) Authorizes the retrofitting of an unsafe children's product if the retrofit has been approved by the agency of the federal government issuing the recall or warning or the agency responsible for approving the retrofit;
- (6) Establishes product recall guidelines for manufacturers, importers, wholesalers, distributors, and retailers;
- (7) Creates a civil penalty in an amount of up to \$500 each day when a commercial dealer, importer, distributor, wholesaler, or retailer fails to exercise reasonable care in following the recall guidelines;
- (8) Prohibits any unit of state or local government or any other entity within the state from issuing product recalls; and
- (9) Authorizes the Attorney General or a county prosecuting attorney to bring an action against a commercial dealer, manufacturer, importer, distributor, wholesaler, or retailer for a violation of the provisions of the bill.