

2012 -- H 7986

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO HEALTH AND SAFETY -- CHILDREN'S PRODUCT SAFETY ACT

Introduced By: Representatives Tanzi, Walsh, Tomasso, Hearn, and O'Grady

Date Introduced: March 22, 2012

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1 Chapter 23-75 of the General Laws entitled "Children's Product Safety Act"

2 is hereby amended by adding thereto the following section:

3 **23-75-3.5. Cadmium, Mercury and Lead in Children's Products - Prohibition. -- (a)**

4 After June 30, 2013, no person shall manufacture, sell, offer for sale, import or otherwise
5 distribute in the state any children's product that contains cadmium, mercury or lead.

6 (b) As used in this section:

7 (1) "Cadmium" means elemental cadmium and any compounds or alloys that contain
8 cadmium.

9 (2) "Mercury" means elemental mercury and any compounds or alloys that contain
10 mercury.

11 (3) "Lead" means elemental lead and any compounds or alloys that contain lead.

12 (4) "Children's product" means any consumer product or component thereof that is
13 designed and intended primarily for use by children under twelve (12) years of age, including, but
14 not limited to, jewelry, clothing and accessories, decorative objects, backpacks, candy, food,
15 dietary supplements and other edible or chewable items, toys, furniture, or other articles used by
16 or intended to be used by children.

17 (c) Any manufacturer, distributor, or importer of a children's product intended for use by
18 a child under twelve (12) years of age, who discovers that the children's product contains, is
19 composed of, or is made with lead, mercury, or cadmium, shall issue an immediate recall for that

1 children's product.

2 (d) The director of the department of health shall issue an immediate recall for any
3 children's product intended for use by a child under the age of twelve (12), when he or she
4 discovers contains, is composed of, or is made with lead, mercury, or cadmium.

5 (e) Within forty-eight (48) hours of receiving notice from the director of the department
6 of health or a manufacturer, distributor, or importer that a children's product intended for use by a
7 child under the age of twelve (12) has been recalled because it contains, is composed of, or is
8 made with lead, mercury, or cadmium, a retail mercantile establishment shall remove the
9 children's product from any display and make it unavailable for purchase.

10 (f) Within fourteen (14) business days of receiving notice from the director of the
11 department of health or a manufacturer, distributor, or importer that a children's product intended
12 for use by a child under the age of twelve (12) has been recalled because it contains, is composed
13 of, or is made with lead, mercury, or cadmium, a retail mercantile establishment shall return all
14 inventory of that children's product to the manufacturer, distributor, or importer from which it
15 was obtained, at the cost of the manufacturer, distributor, or importer.

16 (g) Within sixty (60) business days of receiving a children's product intended for use by
17 a child under the age of twelve (12) that has been recalled because it contains, is composed of, or
18 is made with lead, mercury, or cadmium from a retail mercantile establishment, the manufacturer,
19 distributor, or importer shall destroy the children's product in such a way that renders it useless,
20 and dispose of the remnants in a manner and location designed to remove them from access by
21 the general public.

22 (h) Any manufacturer, distributor, importer, mercantile establishment or person who
23 violates any provision of this section shall be subject to an administrative penalty of not more
24 than one thousand dollars (\$1,000). Each day that the violation continues or exists shall constitute
25 separate offense. Any revenues received pursuant to this chapter shall be deposited as general
26 revenues.

27 (i) The director of the department of health may adopt rules according to the provisions
28 of chapter 42-35, including rules that provide for product testing and enforcement of this section.

29 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO HEALTH AND SAFETY -- CHILDREN'S PRODUCT SAFETY ACT

- 1 This act would ban the use of cadmium, mercury or lead in children's products.
- 2 This act would take effect upon passage.

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