

# HB3363



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3363

Introduced 2/17/2023, by Rep. Laura Faver Dias

### SYNOPSIS AS INTRODUCED:

225 ILCS 10/5.2  
430 ILCS 125/10

Amends the Child Care Act of 1969. Provides that subject to availability of appropriations, the Department of Children and Family Services shall establish and maintain a database on the safety of consumer products and other products or substances regulated by the Department that is: (1) publicly available; (2) searchable; and (3) accessible through the Internet website of the Department. Amends the Children's Product Safety Act. Provides that "children's product" means a product that is designed or intended for the care of, or use by, any child under the age of 12 (rather than 9).

LRB103 24984 AMQ 51318 b

A BILL FOR

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Child Care Act of 1969 is amended by  
5 changing Section 5.2 as follows:

6 (225 ILCS 10/5.2)

7 Sec. 5.2. Unsafe children's products.

8 (a) A child care facility may not use or have on the  
9 premises, on or after July 1, 2000, an unsafe children's  
10 product as described in Section 15 of the Children's Product  
11 Safety Act. This subsection (a) does not apply to an antique or  
12 collectible children's product if it is not used by, or  
13 accessible to, any child in the child care facility.

14 (b) The Department of Children and Family Services shall  
15 notify child care facilities, on an ongoing basis, including  
16 during the license application facility examination and during  
17 annual license monitoring visits, of the provisions of this  
18 Section and the Children's Product Safety Act and of the  
19 comprehensive list of unsafe children's products as provided  
20 and maintained by the Department of Public Health available on  
21 the Internet, as determined in accordance with that Act, in  
22 plain, non-technical language that will enable each child care  
23 facility to effectively inspect children's products and

1 identify unsafe children's products. Subject to availability  
2 of appropriations, the Department of Children and Family  
3 Services, in accordance with the requirements of this Section,  
4 shall establish and maintain a database on the safety of  
5 consumer products and other products or substances regulated  
6 by the Department that is: (i) publicly available; (ii)  
7 searchable; and (iii) accessible through the Internet website  
8 of the Department. ~~The Department of Children and Family~~  
9 ~~Services shall adopt rules to maintain data on child care~~  
10 ~~facilities without Internet access and shall ensure the child~~  
11 ~~care facilities without Internet access register for available~~  
12 ~~mailing lists of pertinent recalls distributed in paper form.~~  
13 Child care facilities must maintain all written information  
14 provided pursuant to this subsection in a file accessible to  
15 both facility staff and parents of children attending the  
16 facility. Child care facilities must post in prominent  
17 locations regularly visited by parents written notification of  
18 the existence of the comprehensive list of unsafe children's  
19 products available on the Internet. The Department of Children  
20 and Family Services shall adopt rules to carry out this  
21 Section.

22 (Source: P.A. 98-82, eff. 7-15-13.)

23 Section 10. The Children's Product Safety Act is amended  
24 by changing Section 10 as follows:

1 (430 ILCS 125/10)

2 Sec. 10. Definitions. In this Act:

3 (a) "Children's product" means a product, including but  
4 not limited to a full-size crib, non-full-size crib, toddler  
5 bed, bed, car seat, chair, high chair, booster chair, hook-on  
6 chair, bath seat, gate or other enclosure for confining a  
7 child, play yard, stationary activity center, carrier,  
8 stroller, walker, swing, or toy or play equipment, that meets  
9 the following criteria:

10 (i) the product is designed or intended for the care  
11 of, or use by, any child under age 12 ~~9~~; and

12 (ii) the product is designed or intended to come into  
13 contact with the child while the product is used.

14 Notwithstanding any other provision of this Section, a  
15 product is not a "children's product" for purposes of this Act  
16 if:

17 (I) it may be used by or for the care of a child under  
18 age 9, but it is designed or intended for use by the  
19 general population or segments of the general population  
20 and not solely or primarily for use by or the care of a  
21 child; or

22 (II) it is a medication, drug, or food or is intended  
23 to be ingested.

24 (b) "Commercial dealer" means any person who deals in  
25 children's products or who otherwise by one's occupation holds  
26 oneself out as having knowledge or skill peculiar to

1 children's products, or any person who is in the business of  
2 remanufacturing, retrofitting, selling, leasing, subletting,  
3 or otherwise placing in the stream of commerce children's  
4 products.

5 (b-5) "Manufacturer" means any person who makes and places  
6 into the stream of commerce a children's product as defined by  
7 this Act.

8 (b-10) "Importer" means any person who brings into this  
9 country and places into the stream of commerce a children's  
10 product.

11 (b-15) "Distributor" and "wholesaler" means any person,  
12 other than a manufacturer or retailer, who sells or resells or  
13 otherwise places into the stream of commerce a children's  
14 product.

15 (b-20) "Retailer" means any person other than a  
16 manufacturer, distributor, or wholesaler who sells, leases, or  
17 sublets children's products.

18 (b-25) "First seller" means any retailer selling a  
19 children's product that has not been used or has not  
20 previously been owned. A first seller does not include an  
21 entity such as a second-hand or resale store.

22 (c) "Person" means a natural person, firm, corporation,  
23 limited liability company, or association, or an employee or  
24 agent of a natural person or an entity included in this  
25 definition.

26 (d) "Infant" means any person less than 35 inches tall and

1 less than 3 years of age.

2 (e) "Crib" means a bed or containment designed to  
3 accommodate an infant.

4 (f) "Full-size crib" means a full-size crib as defined in  
5 Section 1508.3 of Title 16 of the Code of Federal Regulations  
6 regarding the requirements for full-size cribs.

7 (g) "Non-full-size crib" means a non-full-size crib as  
8 defined in Section 1509.2 of Title 16 of the Code of Federal  
9 Regulations regarding the requirements for non-full-size  
10 cribs.

11 (h) "End consumer" means a person who purchases a  
12 children's product for any purpose other than resale.

13 (Source: P.A. 94-11, eff. 6-8-05.)