



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

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SYNOPSIS AS INTRODUCED:

430 ILCS 125/15

Amends the Children's Product Safety Act. Provides that the Department of Public Health shall be responsible for regulating recall announcements and other information regarding the safety of children's products disseminated on the Internet. Provides that the Department shall provide links to this information on its website.

LRB093 19496 RXD 45236 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning public safety.

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

4 Section 5. The Children's Product Safety Act is amended by
5 changing Section 15 as follows:

6 (430 ILCS 125/15)

7 Sec. 15. Unsafe children's products; prohibition.

8 (a) No commercial user may remanufacture, retrofit, sell,
9 contract to sell or resell, lease, sublet, or otherwise place
10 in the stream of commerce, on or after January 1, 2000, a
11 children's product that is unsafe.

12 (b) A children's product is deemed to be unsafe for
13 purposes of this Act if it meets any of the following criteria:

14 (1) It does not conform to all federal laws and
15 regulations setting forth standards for the children's
16 product.

17 (2) It has been recalled for any reason by an agency of
18 the federal government or the product's manufacturer,
19 distributor, or importer and the recall has not been
20 rescinded.

21 (3) An agency of the federal government has issued a
22 warning that a specific product's intended use constitutes
23 a safety hazard and the warning has not been rescinded.

24 The Department of Public Health shall create, maintain, and
25 update a comprehensive list of children's products that have
26 been identified as meeting any of the criteria set forth in
27 subdivisions (1) through (3) of this subsection (b). The
28 Department of Public Health shall make the comprehensive list
29 available to the public at no cost and shall post it on the
30 Internet, and encourage links. The Department is also
31 responsible for regulating recall announcements and other
32 information regarding the safety of children's products

1 disseminated on the Internet. The Department shall provide
2 links to this information on its website.

3 (c) A crib is presumed to be unsafe for purposes of this
4 Act if it does not conform to the standards endorsed or
5 established by the Consumer Product Safety Commission,
6 including but not limited to Title 16 of the Code of Federal
7 Regulations and the American Society for Testing and Materials,
8 as follows:

9 (1) Part 1508 of Title 16 of the Code of Federal
10 Regulations and any regulations adopted to amend or
11 supplement the regulations.

12 (2) Part 1509 of Title 16 of the Code of Federal
13 Regulations and any regulations adopted to amend or
14 supplement the regulations.

15 (3) Part 1303 of Title 16 of the Code of Federal
16 Regulations and any regulations adopted to amend or
17 supplement the regulations.

18 (4) The following standards and specifications of the
19 American Society for Testing Materials for corner posts of
20 baby cribs and structural integrity of baby cribs:

21 (A) ASTM F 966-90 (corner post standard).

22 (B) ASTM F 1169-88 (structural integrity of
23 full-size baby cribs).

24 (C) ASTM F 1822-97 (non-full-size cribs).

25 (d) Cribs that are unsafe shall include, but not be limited
26 to, cribs that have any of the following dangerous features or
27 characteristics:

28 (1) Corner posts that extend more than one-sixteenth of
29 an inch.

30 (2) Spaces between side slats more than 2.375 inches.

31 (3) Mattress support that can be easily dislodged from
32 any point of the crib. A mattress segment can be easily
33 dislodged if it cannot withstand at least a 25-pound upward
34 force from underneath the crib.

35 (4) Cutout designs on the end panels.

36 (5) Rail height dimensions that do not conform to both

1 of the following:

2 (A) The height of the rail and end panel as
3 measured from the top of the rail or panel in its
4 lowest position to the top of the mattress support in
5 its highest position is at least 9 inches.

6 (B) The height of the rail and end panel as
7 measured from the top of the rail or panel in its
8 highest position to the top of the mattress support in
9 its lowest position is at least 26 inches.

10 (6) Any screws, bolts, or hardware that are loose and
11 not secured.

12 (7) Sharp edges, points, or rough surfaces, or any wood
13 surfaces that are not smooth and free from splinters,
14 splits, or cracks.

15 (8) Tears in mesh or fabric sides in a non-full-size
16 crib.

17 (9) A non-full-size crib that folds in a "V" shape
18 design does not have top rails that automatically lock into
19 place when the crib is fully set up.

20 (10) The mattress pad in a non-full-size mesh/fabric
21 crib exceeds one inch.

22 (e) An unsafe children's product, as determined pursuant to
23 subdivisions (1), (2), and (3) of subsection (b) of this
24 Section 15, may be retrofitted if the retrofit has been
25 approved by the agency of the federal government issuing the
26 recall or warning or the agency responsible for approving the
27 retrofit is different from the agency issuing the recall or
28 warning. A retrofitted children's product may be sold if it is
29 accompanied at the time of sale by a notice declaring that it
30 is safe to use for a child under 6 years of age. The notice
31 shall include: (1) a description of the original problem which
32 made the recalled product unsafe; (2) a description of the
33 retrofit which explains how the original problem was eliminated
34 and declaring that it is now safe to use for a child under 6
35 years of age; and (3) the name and address of the commercial
36 user who accomplished the retrofit certifying that the work was

1 done along with the name and model number of the product
2 retrofitted. The commercial user is responsible for ensuring
3 that the notice is present with the retrofitted product at the
4 time of sale. A retrofit is exempt from this Act if:

5 (i) the retrofit is for a children's product that
6 requires assembly by the consumer, the approved retrofit is
7 provided with the product by the commercial user, and the
8 retrofit is accompanied at the time of sale by instructions
9 explaining how to apply the retrofit; or

10 (ii) the seller of a previously unsold product
11 accomplishes the repair, approved or recommended by an
12 agency of the federal government, prior to sale.

13 (Source: P.A. 91-413, eff. 1-1-00.)