

**HB3540**



**94TH GENERAL ASSEMBLY**

**State of Illinois**

**2005 and 2006**

**HB3540**

Introduced 2/23/2005, by Rep. Eileen Lyons

**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 posting recall announcements and other information regarding the safety of children's products disseminated on the Internet. Effective immediately.

LRB094 09110 RXD 39339 b

FISCAL NOTE ACT  
MAY APPLY

**A BILL FOR**

1 AN ACT concerning 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20 rescinded.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23 a safety hazard and the warning has not been rescinded.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 posting recall announcements and other  
32 information regarding the safety of children's products

1 disseminated on the Internet.

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

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

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

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

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

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

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

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

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

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

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

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

34 (4) Cutout designs on the end panels.

35 (5) Rail height dimensions that do not conform to both  
36 of the following:

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

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

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

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

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

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

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

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

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

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

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

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