

AN ACT concerning regulation.

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

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

(225 ILCS 10/5.2)

Sec. 5.2. Unsafe children's products.

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

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

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

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

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

(430 ILCS 125/10)

Sec. 10. Definitions. In this Act:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

less than 3 years of age.

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

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

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

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

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