

2009 SESSION

INTRODUCED

080326648

HOUSE BILL NO. 1192

Offered January 9, 2008

Prefiled January 9, 2008

A BILL to amend the Code of Virginia by adding a section numbered 18.2-320.1, relating to penalty for failure to remove recalled goods from sale.

Patrons—Moran, Valentine, Iaquinto, Loupassi and Peace

Referred to Committee for Courts of Justice

Whereas, concerns regarding the safety of children's toys have increased in the recent past; and

Whereas, the federal Consumer Product Safety Commission has called for the recall of a number of children's toys in preceding months; and

Whereas, ensuring that such recalled toys are removed from retail establishments and are no longer available to the public for purchase is important to the health and safety of the children of the Commonwealth; now, therefore

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 18.2-320.1 as follows:

§ 18.2-320.1. Penalty for failure to remove certain recalled goods from sale.

Any person who knowingly continues to offer any product designed for children for retail sale when more than 14 days have elapsed following his receipt of an announcement by the United States Consumer Products Safety Commission that the product has been recalled shall be assessed a civil penalty of \$1,000 for each day the product continues to be offered for sale. Any attorney for the Commonwealth of the county or city in which an alleged violation occurred may bring an action to recover the civil penalty, which shall be paid into the state treasury.

2. That the Office of the Attorney General, together with the Office of Consumer Affairs and the Department of Health, shall take all reasonable and necessary steps to ensure that toys recommended for recall by the federal Consumer Products Safety Commission are removed from retail establishments and are no longer available to the public for purchase. The Department of Health, together with the Office of the Attorney General and the Office of Consumer Affairs, shall report to the General Assembly by December 1, 2008, on their progress under this act and make recommendations for additional toy standards that could be promulgated to ensure child safety, including, but not limited to, maximum safe lead content.

3. That the Board of Social Services together with the Child Day-Care Council (Council) shall promulgate minimum safety standards for toys available at child day centers in the Commonwealth including, but not limited to, maximum safe lead content. The Council shall report to the Governor and the General Assembly by December 1, 2008, on its actions under this act.

4. That this act may be cited as the Child Toy Safety Act of 2008.

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