



General Assembly

January Session, 2019

Committee Bill No. 47

LCO No. 3541



Referred to Committee on PUBLIC HEALTH

Introduced by:
(PH)

***AN ACT PROHIBITING THE SALE OF GOODS AND USE OF
BUILDING MATERIALS CONTAINING ASBESTOS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2019*) (a) The following acts
2 and the causing thereof are prohibited: (1) The introduction or delivery
3 for introduction into commerce of any item containing asbestos; and
4 (2) the use of any materials containing asbestos in the construction or
5 repair of a structure.

6 (b) Any person who violates the provisions of subsection (a) of this
7 section shall be guilty of a class B misdemeanor but an offense
8 committed with intent to defraud or mislead, or a second or
9 subsequent offense, shall be an unclassified misdemeanor for which
10 the penalty shall be imprisonment for not more than one year, or a fine
11 of not more than five thousand dollars or both such imprisonment and
12 fine.

13 Sec. 2. Subsection (a) of section 21a-337 of the general statutes is
14 repealed and the following is substituted in lieu thereof (*Effective*
15 *October 1, 2019*):

16 (a) The following acts and the causing thereof are prohibited: (1)
17 The introduction or delivery for introduction into commerce of any
18 misbranded hazardous substance or banned hazardous substance; (2)
19 the manufacturing, distributing, selling at wholesale or retail,
20 contracting to sell or resell, lease, sublet or otherwise place in the
21 stream of commerce: (A) Any children's product that has been
22 designated a banned hazardous substance under this chapter or the
23 federal Hazardous Substances Act; (B) any children's product, except
24 for an article described in 21 USC 321(g), as amended from time to
25 time; that is the subject of voluntary or mandatory corrective action
26 taken under the direction of or in cooperation with an agency of the
27 federal government but the defect in such children's product has not
28 been so corrected; or (C) any children's product that is not otherwise in
29 conformity with applicable consumer safety product standards under
30 this chapter, or any similar rule under another chapter of the general
31 statutes or any federal laws or regulations; (3) the alteration,
32 mutilation, destruction, obliteration or removal of the whole or any
33 part of the label of, or the doing of any other act with respect to, a
34 hazardous substance if such act is done while the substance is in
35 commerce, or while the substance is held for sale, whether or not the
36 first sale, after shipment in commerce, and results in the hazardous
37 substance being a misbranded hazardous substance or a banned
38 hazardous substance; (4) the receipt in commerce of any misbranded
39 hazardous substance or banned hazardous substance and the delivery
40 or proffered delivery thereof for pay or otherwise; (5) the giving of a
41 guarantee or undertaking referred to in subdivision (2) of subsection
42 (b) of section 21a-338 which guarantee or undertaking is false, except
43 by a person who relied upon a guarantee or undertaking to the same
44 effect signed by, and containing the name and address of, the person
45 residing in the United States from whom he received in good faith the
46 hazardous substance; (6) the failure to permit entry or inspection as
47 authorized by subsection (a) of section 21a-343 or to permit access to
48 and copying of any record as authorized by section 21a-344; (7) the
49 introduction or delivery for introduction into commerce, or the receipt

50 in commerce and subsequent delivery or proffered delivery for pay or
51 otherwise, of a hazardous substance in a reused food, drug or cosmetic
52 container or in a container which, though not a reused container, is
53 identifiable as a food, drug or cosmetic container by its labeling or by
54 other identification. The reuse of a food, drug or cosmetic container as
55 a container for a hazardous substance shall be deemed to be an act
56 which results in the hazardous substance being a misbranded
57 hazardous substance. As used in this subdivision, "food", "drug" and
58 "cosmetic" have the same meanings as in the Connecticut Food, Drug
59 and Cosmetic Act; (8) the use by any person to his own advantage, or
60 revealing other than to the administrator or officers or employees of
61 the agency, or to the courts when relevant in any judicial proceeding
62 under sections 21a-335 to 21a-346, inclusive, of any information
63 acquired under authority of section 21a-343 concerning any method of
64 process which as a trade secret is entitled to protection; (9) the
65 introduction or delivery for introduction into commerce of any item
66 containing asbestos; [which reasonably may be expected to be used in
67 the construction or repair of structures, without clearly indicating by
68 labeling thereon that the item contains asbestos and that asbestos may
69 cause cancer when inhaled, or the introduction or delivery for
70 introduction into commerce of any toy or other article for sale in this
71 state marketed for the use of children under the age of sixteen
72 containing asbestos;] (10) the alteration or removal of any item upon
73 which the commissioner or his authorized agent has placed an
74 embargo prior to the time the commissioner, such agent or a court
75 permits the alteration or removal of such item; (11) the introduction or
76 delivery for introduction into commerce, after December 31, 1992, of
77 any toy or other article for sale in this state and marketed for the use of
78 children between the ages of three and seven, or determined to be for
79 the use of children between the ages of three and seven by the federal
80 Consumer Product Safety Commission pursuant to 16 CFR Part 1500 et
81 seq., as published in the Code of Federal Regulations Revised to
82 January 1, 1991, and as from time to time amended, or the
83 Commissioner of Consumer Protection pursuant to sections 21a-335 to

84 21a-346, inclusive, which would be classified as a banned hazardous
 85 substance under 16 CFR Part 1501.4(b)(1) of said code and does not
 86 bear a conspicuous warning label that clearly and specifically
 87 communicates that the contents include small parts which pose a
 88 hazard for children under the age of three, except that any toy or other
 89 article that contains, as of December 31, 1992, a safety warning label in
 90 substantial compliance with the requirements of this subdivision shall
 91 be determined by the commissioner to be in compliance with this
 92 subdivision until October 1, 1993. As used in this subdivision,
 93 "conspicuous" has the same meaning and characteristics regarding
 94 type size as in 16 CFR Part 1500.121(c)(2) of said code; and (12) the
 95 introduction or delivery for introduction into commerce, or the
 96 distribution or sale, of a drying oil or drying oil product, manufactured
 97 after December 31, 1994, which does not bear a conspicuous warning
 98 label on a side or back panel of such product stating: "DANGER -
 99 RAGS, STEEL WOOL OR WASTE SOAKED WITH (INSERT
 100 PRODUCT NAME) MAY SPONTANEOUSLY CATCH FIRE IF
 101 IMPROPERLY DISCARDED. IMMEDIATELY AFTER USE, PLACE
 102 RAGS, STEEL WOOL OR WASTE IN A SEALED WATER-FILLED
 103 METAL CONTAINER." As used in this subdivision, "conspicuous" has
 104 the same meaning and characteristics regarding type size as in 16 CFR
 105 Part 1500.121(c)(2) of said code.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2019</i>	New section
Sec. 2	<i>October 1, 2019</i>	21a-337(a)

Statement of Purpose:

To protect the public's health by banning asbestos.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: SEN. LESSER, 9th Dist.

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