



General Assembly

**Substitute Bill No. 47**

January Session, 2019



**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, except  
4 when such item is introduced or delivered for introduction into  
5 commerce as part of the sale or rental of real property; and (2) the use  
6 of any materials containing asbestos in the construction or repair of a  
7 structure.

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

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16 repealed and the following is substituted in lieu thereof (*Effective*  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

18 (a) The following acts and the causing thereof are prohibited: (1)

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

54 container or in a container which, though not a reused container, is  
55 identifiable as a food, drug or cosmetic container by its labeling or by  
56 other identification. The reuse of a food, drug or cosmetic container as  
57 a container for a hazardous substance shall be deemed to be an act  
58 which results in the hazardous substance being a misbranded  
59 hazardous substance. As used in this subdivision, "food", "drug" and  
60 "cosmetic" have the same meanings as in the Connecticut Food, Drug  
61 and Cosmetic Act; (8) the use by any person to his own advantage, or  
62 revealing other than to the administrator or officers or employees of  
63 the agency, or to the courts when relevant in any judicial proceeding  
64 under sections 21a-335 to 21a-346, inclusive, of any information  
65 acquired under authority of section 21a-343 concerning any method of  
66 process which as a trade secret is entitled to protection; (9) the  
67 introduction or delivery for introduction into commerce of any item  
68 containing asbestos, [which reasonably may be expected to be used in  
69 the construction or repair of structures, without clearly indicating by  
70 labeling thereon that the item contains asbestos and that asbestos may  
71 cause cancer when inhaled, or the introduction or delivery for  
72 introduction into commerce of any toy or other article for sale in this  
73 state marketed for the use of children under the age of sixteen  
74 containing asbestos] except when such item is introduced or delivered  
75 for introduction into commerce as part of the sale or rental of real  
76 property; (10) the alteration or removal of any item upon which the  
77 commissioner or his authorized agent has placed an embargo prior to  
78 the time the commissioner, such agent or a court permits the alteration  
79 or removal of such item; (11) the introduction or delivery for  
80 introduction into commerce, after December 31, 1992, of any toy or  
81 other article for sale in this state and marketed for the use of children  
82 between the ages of three and seven, or determined to be for the use of  
83 children between the ages of three and seven by the federal Consumer  
84 Product Safety Commission pursuant to 16 CFR Part 1500 et seq., as  
85 published in the Code of Federal Regulations Revised to January 1,  
86 1991, and as from time to time amended, or the Commissioner of  
87 Consumer Protection pursuant to sections 21a-335 to 21a-346,  
88 inclusive, which would be classified as a banned hazardous substance

89 under 16 CFR Part 1501.4(b)(1) of said code and does not bear a  
90 conspicuous warning label that clearly and specifically communicates  
91 that the contents include small parts which pose a hazard for children  
92 under the age of three, except that any toy or other article that  
93 contains, as of December 31, 1992, a safety warning label in substantial  
94 compliance with the requirements of this subdivision shall be  
95 determined by the commissioner to be in compliance with this  
96 subdivision until October 1, 1993. As used in this subdivision,  
97 "conspicuous" has the same meaning and characteristics regarding  
98 type size as in 16 CFR Part 1500.121(c)(2) of said code; and (12) the  
99 introduction or delivery for introduction into commerce, or the  
100 distribution or sale, of a drying oil or drying oil product, manufactured  
101 after December 31, 1994, which does not bear a conspicuous warning  
102 label on a side or back panel of such product stating: "DANGER -  
103 RAGS, STEEL WOOL OR WASTE SOAKED WITH .... (INSERT  
104 PRODUCT NAME) MAY SPONTANEOUSLY CATCH FIRE IF  
105 IMPROPERLY DISCARDED. IMMEDIATELY AFTER USE, PLACE  
106 RAGS, STEEL WOOL OR WASTE IN A SEALED WATER-FILLED  
107 METAL CONTAINER." As used in this subdivision, "conspicuous" has  
108 the same meaning and characteristics regarding type size as in 16 CFR  
109 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)

**PH**      *Joint Favorable Subst.*