

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Ensure That Children's Toys and Products Are Free of Lead

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 22 MRSA §1315, sub-§1-D is enacted to read:

1-D. Children's product. "Children's product" means a product that is marketed for use by a child or the use of which by a child is foreseeable.

Sec. 2. 22 MRSA §1315, sub-§9-A is enacted to read:

9-A. Lead-containing product. "Lead-containing product" means a product or component of a product containing or coated with lead in a concentration that constitutes or potentially constitutes a health hazard.

Sec. 3. 22 MRSA §1315-A, sub-§1, as enacted by PL 1991, c. 810, §18, is amended to read:

1. Reduction and abatement program. The establishment of programs to reduce lead-based substances and abate environmental lead hazards; **and**

Sec. 4. 22 MRSA §1315-A, sub-§2, as enacted by PL 1991, c. 810, §18, is amended to read:

2. Interagency agreements. The development of interagency agreements with any pertinent federal, state or local agency, including, but not limited to, public housing authorities, energy efficiency programs and home maintenance and improvement programs; **and**

Sec. 5. 22 MRSA §1315-A, sub-§3 is enacted to read:

3. Testing of children's products. The testing of children's products to determine lead content.

Sec. 6. 22 MRSA §1317-E is enacted to read:

§ 1317-E. Testing of children's products for lead content

1. Testing. The Maine Center for Disease Control and Prevention, referred to in this section as "the center," shall test samples of children's products sold in the State to determine whether the children's products are lead-containing products.

2. Test results. If a children's product tested pursuant to subsection 1 is a lead-containing product, the center shall:

A. Take measures to inform the general public of the results of the testing of that children's product; and

B. Request that retail stores in the State that carry that children's product remove the product from their shelves.

3. Annual report. The center shall prepare an annual report detailing the results of testing undertaken pursuant to this section. The center shall submit the report to the joint standing committee of the Legislature having jurisdiction over health and human services matters prior to January 15th of each year.

Sec. 7. 22 MRSA §1322-E, sub-§3, ¶E, as enacted by PL 2005, c. 403, §1, is amended to read:

E. Funding an assessment of current uses of lead and the availability, effectiveness and affordability of lead-free alternatives; and

Sec. 8. 22 MRSA §1322-E, sub-§3, ¶F, as enacted by PL 2005, c. 403, §1, is amended to read:

F. Funding for educational programs and information for owners of rental property used for residential purposes; and

Sec. 9. 22 MRSA §1322-E, sub-§3, ¶G is enacted to read:

G. Testing of children's products for lead content under section 1317-E, in an amount equal to 10% of the annual allocations from the fund.

Sec. 10. Rulemaking. The Department of Health and Human Services shall adopt rules to determine, using best scientific practices, the concentration of lead that constitutes or potentially constitutes a health hazard for purposes of the Maine Revised Statutes, Title 22, section 1315, subsection 9-A. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

SUMMARY

This bill directs the Department of Health and Human Services, Maine Center for Disease Control and Prevention to use 10% of the funds in the Lead Poisoning Prevention Fund to test the lead content of products that are customarily used by children. If the sample contains lead or is coated with lead in a concentration that constitutes or potentially constitutes a health hazard, the center shall take measures to inform the general public of the test results and request that stores in the State that carry that children's product remove the product from their shelves.