

# MAINE STATE LEGISLATURE

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# 123rd MAINE LEGISLATURE

## SECOND REGULAR SESSION-2008

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Legislative Document

No. 2053

H.P. 1437

House of Representatives, December 21, 2007

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

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 19, 2007. Referred to the Committee on Health and Human Services pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative CONOVER of Oakland.  
Cosponsored by Representative PINGREE of North Haven, Senator DOW of Lincoln and Representatives: BRAUTIGAM of Falmouth, BRYANT of Windham, CONNOR of Kennebunk, HINCK of Portland, KOFFMAN of Bar Harbor, MILLER of Somerville, PERRY of Calais, TREAT of Hallowell.

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

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

3 **1-D. Children's product.** "Children's product" means a product that is marketed for  
4 use by a child or the use of which by a child is foreseeable.

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

6 **9-A. Lead-containing product.** "Lead-containing product" means a product or  
7 component of a product containing or coated with lead in a concentration that constitutes  
8 or potentially constitutes a health hazard.

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

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

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

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

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

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

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

23 **§1317-E. Testing of children's products for lead content**

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

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

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

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

33 **3. Annual report.** The center shall prepare an annual report detailing the results of  
34 testing undertaken pursuant to this section. The center shall submit the report to the joint

1 standing committee of the Legislature having jurisdiction over health and human services  
2 matters prior to January 15th of each year.

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

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

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

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

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

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

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

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## SUMMARY

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