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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1705 Session of  
2013

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INTRODUCED BY MENTZER, HICKERNELL, AUMENT, GREINER, COHEN AND  
CUTLER, SEPTEMBER 26, 2013

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REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, SEPTEMBER 26, 2013

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AN ACT

1 Providing for the composition of stuffed toys and for penalties;  
2 and making a related repeal.

3 The General Assembly of the Commonwealth of Pennsylvania  
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Stuffed Toy  
7 Safety Law.

8 Section 2. Definitions.

9 The following words and phrases when used in this act shall  
10 have the meanings given to them in this section unless the  
11 context clearly indicates otherwise:

12 "Department." The Department of Labor and Industry of the  
13 Commonwealth.

14 "Manufacturer." A person, partnership, corporation or other  
15 legal entity that uses new or recycled materials in the  
16 production or making of stuffed toys for use by a consumer.

17 "New." An article or material which has not been subjected  
18 to a previous manufacturing process or which has not been

1 previously used for any purpose.

2 "Person." Individuals, partnerships, associations, trusts,  
3 corporations and any other business entity.

4 "Recycled." The process by which postconsumer waste is  
5 passed through a series of treatments placing the waste in an  
6 original condition or rendering it in a virgin state for human  
7 use.

8 "Stuffed toy." An article intended for use by an infant or  
9 child as a plaything which is filled with or contains a fiber,  
10 chemical or other stuffing.

### 11 Section 3. Prohibitions.

12 (a) Sale.--A person may not sell a stuffed toy in this  
13 Commonwealth unless the stuffed toy is manufactured in  
14 compliance with this act.

15 (b) Responsibility.--It shall be the responsibility of the  
16 manufacturer of the stuffed toy to ensure compliance with this  
17 act.

### 18 Section 4. Material.

19 Material used to produce a stuffed toy must be new or  
20 recycled and free from all of the following:

21 (1) Dangerous or harmful substances or components.

22 (2) Oil, dirt, refuse and similar substances.

### 23 Section 5. Compliance.

24 A stuffed toy manufactured, sold, distributed or gifted  
25 within this Commonwealth shall comply with this act.

### 26 Section 6. Complaint.

27 (a) Filing.--A person may file a complaint with the  
28 department alleging a violation of this act.

29 (b) Investigation.--The department may conduct an  
30 investigation and take, for analysis, a sample of a stuffed toy

1 from a manufacturer, retailer or distributor.

2 (c) Entrance.--For the purpose of enforcing this act, the  
3 department shall have the power to enter a place where a stuffed  
4 toy is manufactured or offered for sale and a person may not  
5 hinder, delay or interfere with the department in the  
6 performance of its duty nor refuse to provide information  
7 necessary to determine whether a manufacturer, retailer or  
8 distributor is in compliance with this act.

9 Section 7. Administrative remedy.

10 If a manufacturer is found in violation of this act, the  
11 department may do any of the following:

12 (1) Suspend or prohibit the sale, distribution or giving  
13 away of a stuffed toy produced by the manufacturer.

14 (2) Confiscate the stuffed toy pending an appeal by an  
15 injured party.

16 Section 8. Administrative penalty.

17 (a) Imposition.--The department may impose the following  
18 administrative penalty for each violation of this act:

19 (1) a fine of not more than \$10,000 for each violation  
20 of this act; or

21 (2) other corrective action which it deems necessary to  
22 address a violation of this act.

23 (b) Separate violation.--Each stuffed toy which is found to  
24 be in violation of this act shall constitute a separate  
25 violation.

26 (c) Administrative procedure.--An action by the department  
27 under this section shall be subject to 2 Pa.C.S. (relating to  
28 administrative law and procedure).

29 (d) Fines.--A fine collected under this act or the rules and  
30 regulations established under this act shall be paid to the

1 department.

2 Section 9. Regulations.

3 The department may promulgate rules and regulations to carry  
4 out the purpose of this act.

5 Section 20. Repeals.

6 Repeals are as follows:

7 (1) The General Assembly declares that the repeal under  
8 paragraph (2) is necessary to effectuate this act.

9 (2) The act of July 25, 1961 (P.L.857, No.372), referred  
10 to as the Stuffed Toy Manufacturing Act, is repealed.

11 Section 21. Effective date.

12 This act shall take effect in 60 days.