

STUFFED TOY MANUFACTURING ACT

Act of Jul. 25, 1961, P.L. 857, No. 372

Cl. 35

AN ACT

Regulating the manufacture of stuffed toys intended for sale, gift, or use in Pennsylvania; providing for registration of such manufacturers, the paying of a fee for such registration, the issuance of a certificate of registration to such manufacturers; providing that material used in such toys shall be new and free from dangerous or harmful substances; providing for disinfection of such material containing products of animal origin; and prescribing penalties. (Title amended Apr. 18, 1978, P.L.62, No.31)

Compiler's Note: Section 2 of Reorganization Plan No.1 of 1986 provided that the functions, powers and duties of the Department of Labor and Industry with regard to the testing of stuffed toys are transferred to the Department of General Services. Reorganization Plan No.1 also suspended Act 372 of 1961 insofar as it conflicts with the reorganization plan.

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

Section 1. The provisions herein set forth shall be construed to cover and apply to the manufacture, sale and distribution of all stuffed toys and filled playthings of all types which are intended for sale, gift or use in the Commonwealth.

Section 2. As used in this act--

The term "Department" shall mean the Department of Labor and Industry.

The term "manufacturer" shall mean any person engaged in the producing or making of stuffed toys for use outside the maker's household.

The term "new" shall mean any article or material which has not been subjected to a previous manufacturing process, or which has not been previously used for any purpose.

The term "person" shall include individuals, partnerships, associations, trusts, corporations, and any other individual or any other business entity.

The term "stuffed toy" shall mean any article intended for use by infants or children as a plaything which is filled with or contains any fiber, chemical or other stuffing.

(2 amended Apr. 18, 1978, P.L.62, No.31)

Section 3. (a) Manufacturers of all stuffed toys manufactured in this Commonwealth or intended for sale, gift or use in this Commonwealth shall register with the department on forms as provided by the department. The forms shall set forth, among other items, the name and address of the manufacturer, the type of stuffed toys manufactured, the composition of the stuffing and such other information as the department may require. A fee shall accompany each registration. This registration shall be valid for a period of one (1) year and may be renewed, annually, by filling out of such forms as shall be prescribed by the department, which form shall be accompanied by payment of a fee. The department shall set the fees required under this section by regulation.

(b) Any manufacturer which demonstrates to the satisfaction of the secretary that it is a charitable or nonprofit organization or any person who is not regularly engaged in the

business of manufacturing, making, wholesaling or importing stuffed toys, but who manufactures or makes stuffed toys as a leisure pursuit and whose gross income from the sale of these products is less than one thousand dollars (\$1,000.00) per year, is exempted from payment of the registration fee authorized in this section.

(3 amended Dec. 17, 1990, P.L.710, No.176)

Compiler's Note: Section 3 of Act 176 of 1990 provided that the fees established by the Stuffed Toy Manufacturing Act shall remain in effect until the Department of Labor and Industry promulgates regulations establishing fees to be charged under that act.

Section 4. Upon receipt of the registration form, the department shall, if the applicant is in compliance with this act and the regulations of the department, issue a certificate of registration to the manufacturer containing a registration number, which number must appear on each stuffed toy intended for sale, gift or use in this Commonwealth. If the department fails to issue such certificate of registration or renewal of the certificate, the applicant may appeal to the Industrial Board which will hold a hearing to determine whether or not the applicant is in compliance with this act and the regulations thereunder.

(4 amended Apr. 18, 1978, P.L.62, No.31 and repealed in part Apr. 28, 1978, P.L.202, No.53)

Section 5. All material used in stuffed toys shall be new and free from dangerous or harmful chemicals or other substances and shall be free from oil, dirt, refuse and similar substances. Manufacturers using material in stuffed toys containing products of animal origin must obtain a certificate of disinfection from the department on forms provided by the department. Such application shall contain with it a random sample of the said product of animal origin as it is contained in stuffed toys ready for market. In disinfection of such material only processes approved by the department may be used. In determining what processes shall be approved, the department shall insure that the said product of animal origin shall be clean and pure and neither harmful nor dangerous to potential users thereof. Stuffed toys shall also be subjected to a flammability test and any stuffed toy determined by the department to be highly inflammable and dangerous shall not be approved.

(5 amended Oct. 9, 1967, P.L.364, No.161)

Section 6. Only stuffed toys which have been issued a certificate as provided in section 4 of this act may be sold, distributed or given away in this Commonwealth.

(6 amended Apr. 18, 1978, P.L.62, No.31)

Section 7. The provisions of this act shall be administered by the department. The secretary or his authorized representative may take for analysis samples of stuffed toys from manufacturers, retailers or distributors thereof.

Section 8. If any manufacturer of stuffed toys or any stuffed toys are found in violation of this act or the regulations thereunder, the department may suspend the sale of such toys by the manufacturer and prohibit the sale or giving away of such toys by retailers, distributors or other persons having such toys. In pursuance of the above, the department may confiscate such toys pending an appeal, by any party injured, to the Industrial Board; such appeal shall utilize the procedures set forth in section 4 of this act.

(8 repealed in part Apr. 28, 1978, P.L.202, No.53)

Section 9. Prosecutions for violations of this act or the regulations thereunder shall be in the form of summary

proceedings before a district justice. Any person who violates any of the provisions of this act shall, in a summary proceeding, be sentenced to pay a fine of not less than three hundred dollars (\$300.00) nor more than five hundred dollars (\$500.00) for each offense, and in default of payment thereof, undergo imprisonment of not less than thirty days nor more than sixty days.

(9 amended Dec. 17, 1990, P.L.710, No.176)

Compiler's Note: Section 28 of Act 207 of 2004 provided that any and all references in any other law to a "district justice" or "justice of the peace" shall be deemed to be references to a magisterial district judge. Section 10. This act shall take effect in sixty days.