

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

As Engrossed: S3/27/03

A Bill

Act 1159 of 2003
HOUSE BILL 2330

5 By: Representative Martin
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For An Act To Be Entitled

9 AN ACT TO AMEND THE CHILDREN'S PRODUCT SAFETY ACT
10 OF ARKANSAS; AND FOR OTHER PURPOSES.
11

Subtitle

12 AN ACT TO AMEND THE CHILDREN'S PRODUCT
13 SAFETY ACT OF ARKANSAS.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code § 20-27-1603(c), concerning unsafe children's
20 products, is amended to read as follows:

21 (c)(1) No later than January 1, 2002, the Attorney General shall
22 create, maintain, and update quarterly a comprehensive list of children's
23 products that have been identified as ~~meeting any of the criteria set forth~~
24 ~~in subsection (b) of this section~~ recalled children's products as determined
25 by the United States Consumer Product Safety Commission.

26 (2) The Attorney General shall make the comprehensive list
27 available to the public at no cost ~~and shall post~~ by posting it on the
28 internet, and ~~encourage~~ encouraging links from the Internet site.
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30 SECTION 2. Arkansas Code § 20-27-1605 is amended to read as follows:

31 20-27-1605. Unsafe children's products - Child Care Facilities.

32 (a)(1) Beginning January 1, 2002, a child care facility may not use or
33 have on the premises an unsafe children's product as described in this
34 subchapter.

35 (2) This subsection does not apply to an antique or collectible
36 children's product if it is not used by, or accessible to, any child in the



1 child care facility.

2 (b)(1) Within sixty (60) calendar days after August 13, 2001, the
3 Attorney General shall send a letter to all licensed child care facilities
4 informing them of the provisions of this subchapter ~~and of their~~
5 ~~responsibilities under the provisions of this subchapter.~~

6 (2) The Attorney General shall notify licensed child care
7 facilities of the provisions of this subchapter and of ~~unsafe children's~~
8 ~~products, as determined in accordance with this subchapter, in plain, non-~~
9 ~~technical language that will enable each child care facility to effectively~~
10 ~~inspect children's products and identify unsafe children's products~~ recalled
11 children's products as identified by the United States Consumer Product
12 Safety Commission by maintaining a list of those products on its website.
13 The list shall be updated quarterly.

14 (c) The Department of Human Services may promulgate rules to carry out
15 the provisions of this section.

16 (d)(1) Each child care facility shall maintain a file containing ~~all~~
17 ~~bulletins, notices, or both bulletins and notices issued by the Office of the~~
18 ~~Attorney General regarding unsafe children's products~~ the list of recalled
19 children's products maintained on the Attorney General's or the Consumer
20 Product Safety Commission's website and any updates to the list, and shall
21 make the file accessible to the facility staff members and to parents of the
22 children who attend the facility.

23 (2) A child care facility may request the Attorney General's
24 Office to assist it in obtaining the list by providing its name and mailing
25 address to the Consumer Product Safety Commission for the purpose of
26 receiving the list of recalled children's products and quarterly updates
27 through a mailing sent directly from the Consumer Product Safety Commission
28 or by providing the Consumer Product Safety Commission with the facility's
29 email address so it may receive the list and updates by email notification.

30 (e)(1) Each child care facility, as part of the licensing, licensing
31 renewal, or periodic update process conducted by the department, shall
32 certify in writing on forms provided by the Department of Human Services,
33 that it has reviewed ~~each of the bulletins and notices issued by~~ the list of
34 recalled children's products maintained by the Office of the Attorney General
35 ~~regarding unsafe children's products~~ or the Consumer Product Safety
36 Commission and any updates to the list, and that after a thorough inspection,

1 to the best of their knowledge, there are no unsafe children's ~~products~~ toys,
2 furniture, or equipment in the facility.

3 (2) The Office of the Attorney General shall prepare a
4 certification form, and the department shall require each facility to
5 complete the certification form in the process of licensing, licensing
6 renewal, or periodic update.

7 (3) The department shall retain the certification form completed
8 by each facility in each respective facility's licensing file.

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/s/ Martin

APPROVED: 4/8/2003