



Consumer Product Safety Laws: A State Perspective

Alan Korn, J.D.

Director of Public Policy &
General Counsel

ICPHSO

May 9, 2006



Who We Are

- Safe Kids Worldwide is a grassroots organization with 16 member countries. Within these countries, there are more than 400 state and local coalitions.



Our Mission

Safe Kids Worldwide leads coalitions of community partners to prevent accidental death and injury to children ages 14 and under. We empower families and communities to:

- Educate adults and children
- Create safe environments
- Conduct research and
- Advocate for effective laws

Coalitions

- Coalition members are policemen, firefighters, paramedics, doctors, nurses, teachers, business owners, lawmakers, community volunteers and retirees.

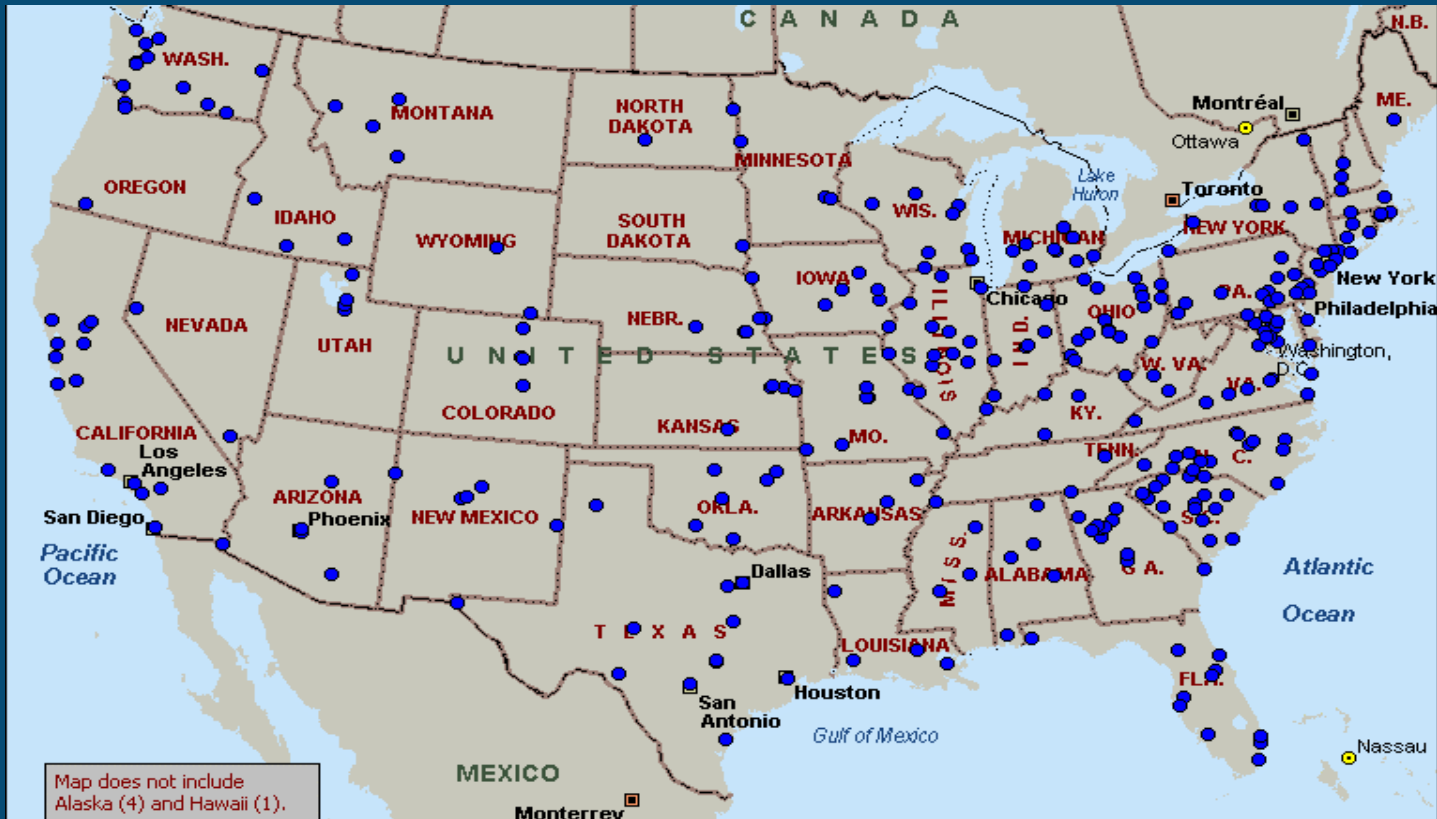


Where We Are



Grassroots Strength

- More than 600 Safe Kids coalitions and chapters in all 50 states, the District of Columbia and Puerto Rico



Federal/State Government's Role in Child Safety

- **Differences Between State and Federal Roles**
- **State Consumer Product Safety Laws**
 - Product Use and Promotion Laws
 - Product Safety Laws
- **Ways Around the 10th Amendment**
 - Incentive Programs (Carrot & Stick)

Bike Helmet Laws

- There are currently 21 state helmet laws, including the District of Columbia, and over 140 local ordinances.
- A majority of the state laws require children under age 16 to wear helmets when riding bikes.
- Seven states (California, Massachusetts, Maryland, Rhode Island, New Jersey, New York and Oregon) and D.C. also require children to wear helmets when riding certain wheeled devices – such as in-line skates or scooters.



Child Safety Seat Laws

- All 50 states and the District of Columbia have child occupant protection laws. These laws vary in their age requirements, exemptions, enforcement procedures, and penalties.
- Thirty-five states and the District of Columbia require some older children to be restrained in booster seats.



Carbon Monoxide Detector Laws

- Alaska, Connecticut, Massachusetts, New Jersey, New York, Rhode Island, Vermont, West Virginia, and some local jurisdictions have passed legislation requiring the use of carbon monoxide (CO) detectors in the home.
- Most state CO detector laws only apply to newly constructed residences.
- Texas enacted legislation that requires the installation of CO detectors in certain childcare facilities.



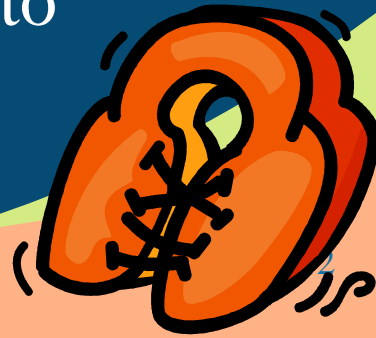
Child Access Prevention/Gun Lock Laws

- At least 18 states have enacted child access prevention (CAP) laws, which may hold adults criminally liable for failure to either store loaded firearms in a place inaccessible to children or to use safety devices to lock guns.
- Nine states and several local jurisdictions have passed laws or ordinances requiring a gun lock to be sold with the purchase of every handgun
- A new federal law, the Child Safety Lock Act of 2005, requires a secure gun storage or safety device to be provided with every sale or transfer of a handgun in the U.S.



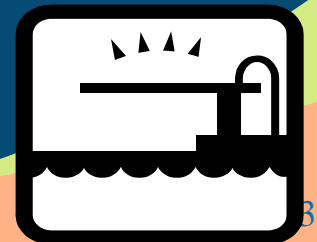
Personal Flotation Device Laws

- Forty-six states have enacted boating safety laws requiring children to wear personal flotation devices (PFDs) at all times when on boats or near open bodies of water. These laws vary in age requirements, exemptions and enforcement procedures.
- The U.S. Coast Guard requires children under age 13 aboard recreational vessels to wear PFDs. States with existing PFD laws do not have to follow this regulation.



Swimming Pool Barrier Laws

- Four states (Arizona, California, Florida and Oregon) and many communities have enacted safety laws requiring some type of fencing around residential swimming pools.
- Physical barriers, such as fences or walls, are generally required for newly constructed residential swimming pools.



Product Safety Laws

- **Children's Product Safety Act**
 - Seven states have laws that make it illegal to sell or lease recalled or dangerous children's products and requires states to monitor licensed childcare facilities for unsafe or recalled products.
- **Crib Safety Laws**
 - Twelve states have laws that make it illegal to sell or place in the stream of commerce cribs that do not meet certain design standards.

Product Safety Laws

- **Playground Safety Laws**
 - Fifteen states have enacted some form of playground safety legislation – in some cases adopting U.S. Consumer Product Safety Commission guidelines as law.
- **Gun Lock Standard Laws**
 - At least three states require gun locks to meet certain performance standards before being sold to residents.

Product Safety Laws

- **Clothing Safety (Drawstring Ban)**
 - Two states (New York and Wisconsin) prohibit the sale of drawstrings on children's clothing.

Opposition to Enacting Product Safety Laws

- Government Interference with Parental/Individual Rights
- Insignificant Number of Deaths or Injuries
- Difficulty or Unwillingness to Enforce Laws
- Public Education Instead of Passing a Law
- “My constituents can’t afford child safety seats/bike helmets/carbon monoxide detectors/gun locks.”

Contact Information

Alan Korn, J.D.

Director of Public Policy & General Counsel

Safe Kids Worldwide

1301 Pennsylvania Avenue, NW

Suite 1000

Washington, DC 20004-1707

(202) 662-4463

akorn@safekids.org

www.safekids.org