

## Delaware Passes Children's Toy Safety Act

On July 16, 2008, Delaware Governor Ruth Ann Minner signed into law House Substitute No. 1 for House Bill No. 362, the Children's Toy Safety Act, which prohibits the sale and distribution of toys that are harmful to and threaten the health of children. The new law sets forth the following:

- 1) A person shall not knowingly sell, offer for sale, or transfer a toy in the State of Delaware that contains a toxic substance or that is otherwise unsafe to a child.
- 2) A person shall not knowingly fail to remove for sale or transfer any toy that has been identified as containing lead and/or unsafe by the CPSC or has been the subject of a corrective action plan or a recall.

"Unsafe toy" means one or more of the following criteria are met:

- It does not conform to federal laws and regulations setting forth standards for the toy;
- It has been recalled by a state or federal agency, the toy's manufacturer, distributor, or importer, or the toy has been listed by the CPSC as a recalled product which has not been corrected, and the recall has not been rescinded; or
- If a state or federal agency has issued an imminent hazard warning that a toy's intended use constitutes a safety hazard and such warning has not been rescinded.

"Child" means an individual less than 12 years of age.

"Toy" means an article designed and intended for the child's use in play.

"Toxic substance" means a substance that contains lead or a coating on an item that contains lead in excess of 0.06% (600 ppm) by weight of the total nonvolatile content of the paint or the weight of the dried paint film; or a substance that has been deemed toxic or harmful to the health of children by the U.S. Consumer Product Safety Commission (CPSC). Toxic substance does not include glass or crystal decorative inaccessible components.

This law does not apply to the sale of an antique or collectible toy that is not marketed to or intended to be used by a child.

**LINK to:** [House Bill No. 362](#)

STR offers analytical expertise in lead content testing. Our hazard prevention program for toys includes comprehensive safety testing, audit, inspection as well as responsible sourcing services. For more information, contact us at [inquiry@strus.com](mailto:inquiry@strus.com).