

HOUSE BILL 225

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

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AN ACT

RELATING TO CONSUMER PROTECTION; PROHIBITING THE SALE OF
CHILDREN'S TOYS THAT CONTAIN CERTAIN LEVELS OF BPA OR
PHTHALATES; PROVIDING A PENALTY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE.--This act may be cited as the
"Dangerous Toys Act".

Section 2. DEFINITIONS.--As used in the Dangerous Toys
Act:

A. "BPA" means bisphenol-A, a chemical used in
polycarbonate plastics, such as those used in baby bottles and
sippy cups;

B. "dangerous toy" means a product that is designed
or intended by its manufacturer to be used by children age
twelve or under and that contains a concentration of more than

.174417.1

underscored material = new
[bracketed material] = delete

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[bracketed material] = delete

1 one-tenth percent of either BPA or a phthalate as defined in
2 the Dangerous Toys Act;

3 C. "merchant" means a manufacturer, wholesaler or
4 retailer; and

5 D. "phthalate" means a class of chemicals that are
6 used to soften plastics, that are commonly used in children's
7 toys and that are prohibited for use in children's toys
8 pursuant to the federal Consumer Product Safety Modernization
9 Act.

10 Section 3. SALE OF DANGEROUS TOYS PROHIBITED.--

11 A. A merchant shall not sell a dangerous toy in New
12 Mexico.

13 B. To determine whether a product was designed or
14 intended by its manufacturer to be used as a toy, a merchant
15 shall consider the product's label, whether consumers commonly
16 recognize the product as a toy that is appropriate for a child
17 age twelve or under, whether the product can fit into a child's
18 mouth and the federal age determination guidelines.

19 Section 4. PENALTY.--Selling a dangerous toy is a fourth
20 degree felony punishable pursuant to Section 31-18-15 NMSA
21 1978.