

**ONE HUNDREDTH LEGISLATURE - SECOND SESSION -
2008**

COMMITTEE STATEMENT

LB835

Hearing Date: January 31, 2008

Committee On: Health and Human Services

Introducer(s): (Preister)

Title: Prohibit transfer of certain lead-containing items

Roll Call Vote - Final Committee Action:

Indefinitely Postponed

Vote Results:

5 Yes	Senators Erdman, Gay, Hansen, Pankonin, Stuthman
1 No	Senators Howard
1 Absent	Senators Johnson
0 Present, not voting	

Proponents:
Reid Steinkraus
Kara Eastman

Representing:
Douglas County Health Department
Omaha Healthy Kids Alliance

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or change:

LB 835 relates to toxic substances and children. The bill defines terms. The bill prohibits any person from using or applying a toxic substance in or on any toy or child care article. The bill prohibits the selling, offering for sale, or transferring of any toy or child care article that contains a toxic substance.

Child care article is defined as “a product designed or intended by the manufacturer to facilitate the sleep, relaxation, or feeding of children or to help children with sucking or teething.”

Toxic substance is defined as “a substance with a lead content of more than six-one-hundredths of one percent of the total weight of the substance. Toxic substance does not include glass or crystal decorative components.”

Toy is defined as “an article designed and made for the amusement of children or for children’s use in play.”

Penalties are provided. Any person, other than an individual consumer, who violates the prohibitions of the bill will be subject to (1) a civil fine of not more than \$100 per item, not to exceed a total of \$5,000, for a first offense; (2) a civil fine of not more than \$500 per item, not to exceed a total of \$25,000, for a second offense; and (3) a civil fine of not more than \$1,000 per item, not to exceed a total of \$50,000, for a third or subsequent offense. A civil penalty of three times such amounts will be imposed on a person who is not a consumer who knowingly violates prohibitions of the bill.

The bill contains a severability clause.

Explanation of amendments, if any:

Senator Joel Johnson, Chairperson