



Rep. Robert Rita

Filed: 3/24/2009

09600HB0964ham001

LRB096 08907 KTG 24353 a

1 AMENDMENT TO HOUSE BILL 964

2 AMENDMENT NO. _____. Amend House Bill 964 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Children's Product Safety Act is amended by
5 changing Section 17 as follows:

6 (430 ILCS 125/17)

7 Sec. 17. Product recalls.

8 (a) If a manufacturer, importer, wholesaler, or
9 distributor of children's products has placed into the stream
10 of commerce in Illinois a children's product for which a recall
11 or warning has subsequently been issued by one of those
12 entities or by an agency of the federal government, then the
13 manufacturer, importer, wholesaler, or distributor must
14 initiate the following steps within 24 hours after issuing or
15 receiving the recall or warning:

16 (1) Contact all of its commercial customers, other than

1 end consumers, to whom it sold, leased, sublet, or
2 transferred that particular children's product in
3 Illinois. This contact must include providing the recall
4 notice or warning and must be made to the person designated
5 by the retailer for that product.

6 (2) If the manufacturer, importer, wholesaler, or
7 distributor maintains a web site, the entity must place on
8 the home page (or the first entry point) of its web site a
9 link to recall or warning information that contains the
10 specific recall notice or warning that was issued for the
11 product in question. The recall or warning information must
12 include a description of the product, the reason for the
13 recall or warning, a picture of the product, and
14 instructions on how to participate in the recall or
15 warning. The information may include only the product
16 recall information and may not include sales or marketing
17 information on that product or any other product, excluding
18 return and exchange policies. The recall or warning
19 information must allow persons to participate in the recall
20 through the web site of the manufacturer, importer,
21 wholesaler, or distributor.

22 (3) If the manufacturer, importer, wholesaler, or
23 distributor sold directly to a non-commercial consumer,
24 and the consumer provided either a shipping address or
25 e-mail address at the time of sale, then the manufacturer,
26 importer, wholesaler, or distributor must send a notice of

1 the recall or warning to the consumer at either address
2 provided. The notice must include a description of the
3 product, the reason for the recall or warning, and
4 instructions on how to participate in the recall or
5 warning. The notice may include only the product recall
6 information and may not include sales or marketing
7 information on that product or any other product, excluding
8 return and exchange policies.

9 (b) If a retailer receives notice of a recall or warning
10 regarding a children's product from a manufacturer, importer,
11 wholesaler, or distributor, or, in the case of an involuntary
12 recall, from a federal agency, and if the retailer at any time
13 offered the product for sale in Illinois, then the retailer
14 must do the following:

15 (1) Within 3 business days after receiving the recall
16 or warning from the manufacturer, importer, wholesaler, or
17 distributor by a person designated by the retailer, the
18 retailer must remove the children's product from the
19 shelves of its stores or program its registers to ensure
20 that the item cannot be sold.

21 (2) If the product was sold through the retailer's web
22 site, then within 3 business days after receipt of the
23 recall or warning by the person designated by the retailer,
24 the retailer must remove the children's product from the
25 web site or remove the ability of a consumer to purchase
26 the children's product through the web site.

1 (3) If an e-mail or shipping address was provided at
2 the time a children's product, for which a recall or
3 warning was subsequently issued, was purchased on the
4 retailer's web site, the retailer must attempt to contact
5 the purchaser at either address provided with the recall or
6 warning information. The recall or warning information
7 must include a description of the product, the reason for
8 the recall or warning, and instructions on how to
9 participate in the recall or warning. The information may
10 include only the product recall information and may not
11 include sales or marketing information on that product or
12 any other product, excluding return and exchange policies.
13 The retailer must comply with this paragraph (3) within 30
14 days after receiving the notice of the recall or warning
15 from a manufacturer, importer, wholesaler, or distributor.

16 (4) Within 5 business days after receipt of the recall
17 or warning by the person designated by the retailer from a
18 manufacturer, importer, wholesaler, distributor, or from a
19 federal agency in the case of an involuntary recall, the
20 retailer must post in a prominent location in each retail
21 store the recall or warning notice. The posting may be in
22 an electronic format in each retail store if the retailer
23 posts a physical sign in a prominent location in each
24 retail store that clearly and conspicuously discloses
25 where recall or warning notices are located in the retail
26 store. If the recall or warning notice is not on the main

1 page of any electronic display, then the electronic display
2 must contain on its main page a clear and conspicuous link
3 to the recall or warning notice. The link shall contain the
4 words "product recall". The notice must remain posted for
5 120 days unless the recall or warning notice contains a
6 full-size crib, a non-full-size crib, a toddler bed, a car
7 seat, a high chair, a bath seat, a play yard, a stationary
8 activity center, an infant carrier, a stroller, a walker, a
9 swing, a bassinet, or a cradle. For these items, the recall
10 or warning notice must remain posted for 240 days ~~This~~
11 ~~notice must remain posted for 120 days.~~

12 (5) If the children's product for which a recall or
13 warning was issued was sold on the retailer's web site, the
14 retailer must within 5 business days post on the home page
15 (or the first entry point) of its web site a link to recall
16 or warning information that contains the specific recall
17 notice or warning that was issued for the product in
18 question. The recall or warning information must include a
19 description of the product, the reason for the recall or
20 warning, a picture of the product (if one was provided),
21 and instructions on how to participate in the recall or
22 warning. The information may include only the product
23 recall information and may not include sales or marketing
24 information on that product or any other product, excluding
25 return and exchange policies.

26 (c) Within 5 business days after a recalled children's

1 product is placed on the Department of Public Health's
2 comprehensive list maintained under Section 15, a retailer who
3 is not a first seller must comply with subsection (b) of
4 Section 17, except that such a retailer has 5 business days to
5 comply with both subdivision (b)(1) and subdivision (b)(2) of
6 Section 17.

7 (d) A manufacturer, importer, wholesaler, or distributor
8 who is also a retailer must comply with both subsection (a) and
9 subsection (b) of Section 17, except that a manufacturer,
10 importer, wholesaler, or distributor who is also a retailer
11 must, within 24 hours after issuing or receiving the recall or
12 warning, post on the home page (or the first entry point) of
13 its web site a link to recall or warning information that
14 contains the specific recall notice or warning that was issued
15 for the product in question.

16 (Source: P.A. 94-11, eff. 6-8-05.)

17 Section 99. Effective date. This Act takes effect upon
18 becoming law."