SENATE DOCKET, NO. 1065 FILED ON: 1/20/2011

SENATE . . . . . No. 36

The Commonwealth of Massachusetts

PRESENTED BY:

Cynthia S. Creem

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act relative to safety in child care centers.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Cynthia S. Creem	☐ *[District]* ☐
Kay Khan	*11th Middlesex*

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SENATE . . . . . No. 36

By Ms. Creem, a petition (accompanied by bill, Senate, No. 36) of Cynthia S. Creem and Kay Khan for legislation relative to safety in day care facilities. Children, Families and Persons with Disabilities.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
SENATE
, NO. *32* OF 2009-2010.]

The Commonwealth of Massachusetts

An Act relative to safety in child care centers.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 1A of chapter 15D of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by adding the following new definition:-

"Unsafe product", A children's product that does not conform to all federal laws and regulations setting forth standards for the children's product, a children's product that has been recalled for any reason by a federal agency, the product's manufacturer, distributor, or importer; the recall has not been rescinded; and the children's product has been listed by the U.S. Consumer Product Safety Commission created by the consumer product safety act, Public Law 92-573, 86 Stat. 1207 ("CPSC") as a recalled product, or a federal agency has issued a warning that a specific children's product's intended use constitutes a safety hazard and the warning has not been rescinded. A crib is unsafe if it does not conform to the standards endorsed or established by the CPSC.

SECTION 2. Chapter 15D of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by adding the following new section:-

Child care centers shall be required to certify that no unsafe products are being used or kept on the premises, with the exception that antique or collectible children's products may be kept if they are not used by, or accessible to, a child in the child care facility. An unsafe children's product may be retrofitted if the retrofit has been approved by the federal agency

18 issuing the recall or warning or the federal agency responsible for approving the retrofit if it is
19 different from the federal agency issuing the recall or warning.

20 SECTION 3. Section 2 of Chapter 15D of the General Laws as appearing in
21 the 2008 Official Edition is hereby amended by adding at the end thereof the following: -

22 (u) post and maintain a web site that includes an updated list of unsafe child
23 products.