S T A T E O F N E W Y O R K

460

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. JEFFRIES -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to prohibiting the sale of certain items which are subject to a government or manufacturer recall

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The general business law is amended by adding a new section 390-d to read as follows:

S 390-D. SALE OF RECALLED TOYS AND PLAY EQUIPMENT PROHIBITED. 1. NO RETAILER OR WHOLESALE DISTRIBUTOR SHALL KNOWINGLY OR INTENTIONALLY SELL TO THE PUBLIC OR MAKE AVAILABLE FOR PUBLIC CONSUMPTION ANY TOY OR PLAY EQUIPMENT THAT HAS BEEN THE SUBJECT OF A MANUFACTURER OR GOVERNMENT ORDERED RECALL DUE TO A CONDITION OR DEFECT THAT POSES A THREAT TO THE HEALTH OR SAFETY OF A CONSUMER, WHERE SUCH SALE TAKES PLACE AT LEAST THIRTY DAYS AFTER SUCH RETAILER OR WHOLESALE DISTRIBUTOR HAS ACTUAL OR CONSTRUCTIVE NOTICE OF SUCH RECALL.

2. ANY VIOLATION OF THIS SECTION SHALL BE A CLASS A MISDEMEANOR PUNISHABLE BY A FINE OF ONE THOUSAND DOLLARS, UP TO A MAXIMUM OF FIVE THOUSAND DOLLARS, PER INFRACTION AND UP TO ONE YEAR IN PRISON, OR BY BOTH SUCH FINE AND IMPRISONMENT.

3. THE ATTORNEY GENERAL MAY BRING AN ACTION IN THE NAME OF THE PEOPLE OF THE STATE OF NEW YORK TO ENFORCE THE PROVISIONS OF THIS SECTION.

S 2. This act shall take effect on the sixtieth day after it shall have become a law.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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