**§ 37-0911. Children's product safety council; established.** 1. There shall be established, within the department, the children's product safety council. Such council shall be composed of ten members as follows:

(a) the commissioner, or the commissioner's designee, who shall be the chair of the council;

(b) the commissioner of health or his or her designee;

(c) a designee of the commissioner with expertise in epidemiology, toxicology or health risk assessment;

(d) a designee of the commissioner of health with expertise in epidemiology, toxicology or health risk assessment; and

(e) six members appointed by the governor, two of whom shall be recommended by the temporary president of the senate, and two by the speaker of the assembly.

2. (a) Of the four members appointed to the children's product safety council and recommended by the temporary president of the senate and the speaker of the assembly, the temporary president of the senate and the speaker of the assembly shall each recommend:

(i) one member who has expertise in pediatrics; and

(ii) one member who has a background or expertise in toxicology or health risk assessment.

(b) Of the two additional members appointed to the children's product safety council, the governor shall appoint members who have a background in environmental health and safety, risk assessment or medicine.

(c) The members of such council appointed pursuant to paragraph (e) of subdivision one of this section shall serve terms of two years.

(d) The members appointed pursuant to paragraph (e) of subdivision one of this section shall each serve his or her term of office or until his or her successor is appointed; provided that any vacancy in the position of an appointed member shall be filled in the same manner as the original appointment and only for the unexpired term of the vacancy.

3. The members of the children's product safety council shall receive no compensation for their services, but shall be allowed their actual and necessary expenses incurred in the performance of their duties pursuant to this title.

4. The children's product safety council shall meet at such times and places as may be determined by its chair. The council shall meet at a minimum of two times per year. All meetings shall be open to the public pursuant to article seven of the public officers law. A majority of the members of such council shall constitute a quorum for the transaction of business. Action may be taken, and motions and resolutions adopted, at any meeting by the affirmative vote of a majority of the full membership of the council.

5. (a) The council shall make recommendations to the department relating to those chemicals, which the department may list as high-priority chemicals pursuant to section 37-0905 of this title. The council shall provide the department with its first list of recommended high-priority chemicals no later than one year from the initial meeting of the council, and the council shall update the list annually thereafter. In determining what chemicals shall be recommended as high-priority chemicals the council shall, at a minimum, consider the criteria of paragraph (b) of subdivision two of section 37-0905 of this title;

(b) The council shall make recommendations to the department relating to those chemicals which should be prohibited by the department pursuant to subdivision two of section 37-0909 of this title.

(i) In determining what chemicals shall be recommended for prohibition, the council shall, at a minimum, consider those chemicals listed as high-priority chemicals pursuant to section 37-0905 of this title.

(ii) The council shall provide the department with its first list of such chemicals no later than two years from the initial meeting of the council. The council shall update the list, including a review of the chemicals listed as high-priority chemicals pursuant to section 37-0905 of this title, annually thereafter.

6. The children's product safety council shall be entitled to request and receive information from any state, municipal department, board, commission or agency that may be required or are deemed necessary for the purposes of such council.

7. Before the council advances any recommendation to the department, the council shall provide an opportunity for public and stakeholder comments. Final recommendations of the council shall be posted on the department's website within thirty days after the council adopts such recommendations.