# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

⊠County	FILED STATE RECORDS	
(Select one:)  of Rockland	i	
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	DEPARTMENT OF STA	ΤE
Local Law No. 3 of the	e year 20 <sup>15</sup>	-
A local law A local law to protect infants and children from	n the harmful health effects of unnecessar	у
(Insert Title) exposure to toxic chemicals in children's appa		
exposure to toxic difficults in children's appe	arci and children's products.	
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Be it enacted by the Legislature		of the
(Name of Legislative Body)	•	
⊠County		
of Rockland	as follo	ws:
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In the absence of Federal and New York State enacted laws, Rockland County is committed to protecting the public health and welfare of our infants and children whose growing bodies are vulnerable to the health hazards caused by these chemicals. Common sense regulations on toys that ensure the health, safety and well-being of our children are of paramount importance to the people of the County of Rockland.

Therefore, the purpose of this law is to protect the County's infants and children from the harmful health effects of benzene, lead, mercury, antimony, arsenic, cobalt, and cadmium in children's apparel and children's products.

#### Section 3. Definitions.

As used in this article, the following terms shall have the meanings indicated:

- A. COUNTY The County of Rockland, New York.
- B. CHILDREN'S APPAREL means any item of clothing that consists of fabric or related material intended or promoted for use in children's clothing.
- C. CHILDREN'S PRODUCT means any product including toys, primarily intended for, made for, or marketed for use by children. Children's product does not mean batteries, consumer electronics or electronic components, paper products, or a drug, biologic, medical device, food, or food additive regulated by the United States Food and Drug Administration.
- D. **CHILDREN** means a person or persons aged twelve (12) and under.
- E. **PERSON** shall mean any natural person, individual, corporation, unincorporated association, proprietorship, firm, partnership, joint venture, joint stock association, or other entity of business of any kind.

#### Section 4. Prohibitions.

No person shall sell or offer for sale within the County of Rockland any children's products or children's apparel that contain benzene, lead, mercury, antimony, arsenic, cadmium, and cobalt within the County of Rockland. This shall not apply to used children's products that are sold or distributed for free at secondhand stores, yard sales, on the Internet or donated to charities. This shall also not apply to protective sporting equipment designed to prevent injury, including but not limited to helmets, athletic supporters, knee pads or elbow pads.

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#### Section 5. Enforcement and Penalties.

Any person who violates the provisions of this chapter shall be subject to the imposition by the Rockland County Department of Consumer Protection of a civil penalty of \$500 for an initial violation, and \$1,000 for each subsequent violation. No civil penalty shall be imposed by the Rockland County Department of Consumer Protection as provided for herein unless the alleged violator has received notice of the charge against him or her and has had an opportunity to be heard pursuant to the normal procedures of the Rockland County Department of Consumer Protection. Prior to the imposition of the first civil penalty on an alleged violator, the Rockland County Department of Consumer Protection shall make a good-faith effort to issue a warning to the alleged violator and shall make a good-faith effort to educate the alleged violator about the provisions of this chapter.

### Section 6. Authority to Promulgate Rules and Regulations.

The Commissioner of the Rockland County Department of Consumer Protection ("Commissioner") is hereby authorized and empowered to promulgate such rules and regulations as he or she deems necessary to implement this law. The Commissioner may exempt a children's product from this prohibition if, in the Commissioner's judgment, the lack of availability of the children's product could pose an unreasonable risk to public health, safety or welfare.

### Section 7. Applicability

This law shall apply to any and all actions occurring on or after the effective date of this law.

## Section 8. Severability.

If any clause, sentence, paragraph, subdivision, section or part of this local law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, effect or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

#### Section 9. Effective date.

This local law shall take effect (90) days after it is filed with the New York State Secretary of State.

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# (Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

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