

2007 DRAFTING REQUEST

Senate Amendment (SA-SB37)

Received: 02/12/2008

Received By: gmalaise

Wanted: Soon

Identical to LRB:

For: Julie Lassa (608) 266-3123

By/Representing: Jessica Kelly

This file may be shown to any legislator: NO

Drafter: gmalaise

May Contact:

Addl. Drafters: csundber

Subject: Children - day care
Trade Regulation - other

Extra Copies:

Submit via email: YES

Requester's email: Sen.Lassa@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Unsafe children's products; removal of products; list of products; probationary child care licenses

Instructions:

See Attached--1. Require stores to remove products that have been recalled, not products for which a warning has been issued, but require DATCP to include in list of unsafe products products for which there has been a warning. 2. Delete amendment of s. 48.69 from bill as SA 2 eliminates inspection requirement prior to licensing.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	gmalaise 02/12/2008 csundber 02/12/2008	lkunkel 02/15/2008		_____			
/1			pgreensl 02/15/2008	_____	sbasford 02/15/2008	sbasford 02/15/2008	

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

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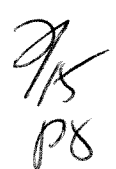
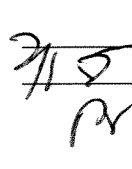
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/?	gmalaise	1/1mk2/B					

FE Sent For:

<END>

Malaise, Gordon

From: Kelly, Jessica
Sent: Tuesday, February 12, 2008 1:49 PM
To: Malaise, Gordon
Cc: Plona, Katie P - DHFS
Subject: Consumer Product Safety Act Senate Bill 37 Amendment

Senator Lassa and Representative Vos just spoke regarding some issues that were raised in the Joint Finance Committee on Senate Bill 37 and would like an amendment drafted.

We would like to change the legislation to require that commercial suppliers only need to remove items that are recalled, and NOT issues warnings...we will, however, ask that the list that DATCP puts together list products with warnings as an educational piece. Please also place in the amendment the issue that Katie Plona and Legal Council at DHFS raised. The sooner, the better. We'd like to try to get it on the floor on the 19th. Thanks!

I am contacting all of you in order to get an amendment drafted to Senate Bill 37, the Child Product Safety Act. As you may remember, your bosses had issues with commercial suppliers having to remove products that were issues WARNINGS by the Consumer Product Safety Commission during the Joint Finance Committee. I have a couple examples of what the difference between a "warning" for a dangerous product is and what a "recall" looks like. Here are some examples of warnings:

<http://www.cpsc.gov/cpscpub/pubs/5085.html>

<http://www.cpsc.gov/cpscpub/pubs/5027.html>

Here is a recall:

<http://www.cpsc.gov/cpscpub/prerel/prhtml08/08178.html>

<http://www.cpsc.gov/cpscpub/prerel/prhtml08/08097.html>

In other words, products that are issued warnings (cribs with corner posts and accordion style gates) haven't ever been recalled, but don't meet current industry standards and CPSC warns against their use. There are only a few products that fall into this category so if you need to take it out, we can live with it.

I've attached a copy of the bill language and find references to commercial suppliers needing to remove products based on "warnings" on 14 lines 11-13 and p. 15 lines 16.

Would everyone be okay with the bill if we removed these portions and only require commercial suppliers to remove products that have been RECALLED only? Senator Lassa would still like the Department of Agriculture, Trade and Consumer Protection to post children's products with warnings as an educational tool for childcare providers, but NOT require that they be removed from store shelves.

Jessica Ford Kelly

Office of Senator Julie Lassa
State Capitol, Room 323 - South
P.O. Box 7882
Madison, WI 53707-7882
608-266-3123
1-800-925-7491 toll-free
608-267-6797

Malaise, Gordon

From: Malaise, Gordon
Sent: Tuesday, February 05, 2008 5:05 PM
To: Kelly, Jessica; Plona, Katie P - DHFS
Subject: RE: [Possible Spam] DHFS legal counsel on SB 37

Jessica and Katie:

If the Department isn't going to inspect the premises for unsafe children's products before issuing or continuing a license and instead is just going to provide the notice and information and rely on the licensee to review the list, remove the unsafe products, and certify that those products have been removed, then the treatment of s. 48.69 should be removed from the draft altogether.

Gordon

From: Kelly, Jessica
Sent: Tuesday, February 05, 2008 4:44 PM
To: Plona, Katie; Malaise, Gordon
Subject: RE: [Possible Spam] DHFS legal counsel on SB 37

That's fine, Katie. Thanks for looking into this. I'm just going to cc this email to Gordon. Gordon, can you hold off on drafting an amendment to this for now until I hear back from a working group on another amendment we need to draft raised during JFC? Thanks.

From: Plona, Katie [mailto:PlonaKP@dhfs.state.wi.us]
Sent: Mon 2/4/2008 4:30 PM
To: Kelly, Jessica
Subject: [Possible Spam] DHFS legal counsel on SB 37

Hi Jess,

I mentioned that I had asked our legal counsel to review SB 37 as amended to look at the requirements of inspection at the conclusion of a probationary license. Debra does think the way it is worded would require the full inspection of recalled products that we took out for initial and renewal licenses.

Would you mind if I contacted Gordon to share this information with him to get his opinion?

Thanks, Katie

Katie Plona
Legislative Liaison
Department of Health and Family Services
(608) 266-3262
plonakp@dhfs.state.wi.us

>>> Debra Bursinger 2/4/2008 1:38 PM >>>

Katie: I have again reviewed the language of the proposed s. 48.69 and it

02/12/2008

is
my opinion that the proposed statute would require the Department to inspect
facilities, prior to the expiration of a probationary license, to determine
if
they are meeting the requirements of the proposed s. 48.687, which states
that
facilities may not have or use children's products that have been recalled.

Please let me know if I can be of further assistance in this matter.

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this email in error, please notify the sender; delete the email; and do not
use, disclose or store the information it contains.

Debra S. Bursinger
Attorney
Department of Health & Family Services
Office of Legal Counsel
1 W. Wilson St.
P.O. Box 7850
Madison, WI 53707-7850
608-264-9862



lu: 2/12/08 Wanted: Fri 2/15/08

State of Wisconsin
2007 - 2008 LEGISLATURE

LRBa1226/2
GMM&CTS:.....

ON
mk

RNR

**SENATE AMENDMENT ,
TO 2007 SENATE BILL 37**

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 10, line 18: delete lines 18 to 25. ✓

3 **2.** Page 11, line 1: delete lines 1 to 9. ✓

4 **3.** Page 14, line 5: delete lines 5 to 13 and substitute "use a children's product
5 that has been recalled by the department, by an agency of the federal government,
6 or by the children's product's manufacturer, distributor, or importer, and the recall
7 has not been rescinded." ✓

8 **4.** Page 14, line 18: delete lines 18 to 20 and substitute:

9 "(c) The department shall maintain, update quarterly, and make available to
10 the public on the Internet at no charge, notwithstanding s. 20.908, a list of all
11 children's products to which any of the following applies:

12 1. The sale, lease, remanufacture, retrofit, or placement into commercial use
13 of the children's product is prohibited under par. (a). ✓

