

Fiscal Estimate Narratives

DATCP 3/21/2012

LRB Number 11-4111/1	Introduction Number AB-0716	Estimate Type Original
Description Children's bedding containing certain chemicals and providing penalties		

Assumptions Used in Arriving at Fiscal Estimate

This bill prohibits the in-state manufacture of children's bedding that contains specified chemicals unless the packaging is conspicuously labeled with a statement that the bedding contains the chemicals. The bill also prohibits the in-state sale, at wholesale or retail, of children's bedding that contains the chemicals unless the packaging is conspicuously labeled. A manufacturer who violates the law is subject to a forfeiture of not more than \$5,000 for a first violation and not more than \$10,000 for each subsequent violation. A wholesale seller or retailer who violates the law is subject to a forfeiture of not more than \$200 for each violation.

The department currently has jurisdiction over the labeling of bedding. Labels must include a description of the material used in manufacturing and the name and address of the manufacturer and person selling the bedding. The department may commence an action for temporary or permanent injunction and may recover forfeitures for violations of the law. This bill creates additional labeling requirements and adds penalties for a violation of the new law.

The department expects, as with any new consumer protection law, to receive an increase in consumer complaints; however, enforcement activity relating to the existing law has been minimal. The department plans to conduct outreach to educate retailers and manufacturers about the new requirements. Based on prior experience implementing new laws, the department will need to use various degrees of enforcement action to bring businesses into compliance. The department anticipates that any increase in workload associated with implementation of this law may be absorbed.

Long-Range Fiscal Implications