

1 H.90

2 Introduced by Representative Till of Jericho

3 Referred to Committee on

4 Date:

5 Subject: Commerce and trade; consumer protection; child safety

6 Statement of purpose of bill as introduced: This bill proposes to prohibit the  
7 manufacture, sale, or transfer of baby bumper pads in this State to reduce the  
8 chance of infant death from suffocation, strangulation, or sudden infant death  
9 syndrome.

10 An act relating to banning baby bumper pads

11 It is hereby enacted by the General Assembly of the State of Vermont:

12 Sec. 1. PURPOSE

13 The purpose of this act is to implement recommendations concerning baby  
14 bumper pads issued by the American Academy of Pediatrics, the Consumer  
15 Product Safety Commission, First Candle/National SIDS Alliance, and the  
16 National Institutes of Health in order to reduce the chance of infant death from  
17 suffocation, strangulation, or sudden infant death syndrome.

1 Sec. 2. 9 V.S.A. chapter 63, subchapter 1B is amended to read:

2 Subchapter 1B. Children’s Product Safety

3 § 2470a. ~~DEFINITION~~ DEFINITIONS

4 As used in this subchapter,:

5 (1) “Baby bumper pad” means a pad of nonmesh material:

6 (A) designed to rest directly above the mattress in a crib, or to run the  
7 circumference of a crib or along the length of an interior side of a crib; and

8 (B) intended to be used until the age an infant pulls to stand.

9 (2)(A) ~~“children’s~~ Children’s product” means a product that is designed  
10 or intended for the care of or use by children under six years of age, whether or  
11 not it is also designed or intended for the care of or use by children six years of  
12 age or older, and the product is designed or intended to come into contact with  
13 the child while the product is used.

14 (B) A product is not a “children’s product” for purposes of this  
15 subchapter if:

16 (1)(i) ~~it~~ it may be used by or for the care of a child under six years of age,  
17 but is designed or intended for use by the general population and not solely or  
18 primarily for use by or for the care of a child; or

19 (2)(ii) ~~it~~ it is a medication, drug, or food or is intended to be ingested.

20 § 2470b. UNSAFE CHILDREN’S PRODUCTS; PROHIBITION

21 \* \* \*

1 (e) It shall be an unfair or deceptive act or practice in commerce and a  
2 violation of section 2453 of this title, subject to enforcement and subject to the  
3 rights and remedies provided by subchapter 1 of this chapter, for a person to  
4 manufacture and to sell, contract to sell, resell, lease, sublet, or otherwise place  
5 in the stream of commerce; the following:

6 (1) on or after January 1, 2002, a children's product that does not  
7 conform to all federal laws and regulations setting forth standards for the  
8 children's product, including standards endorsed or established by the federal  
9 Consumer Product Safety Commission and the American Society for Testing  
10 and Materials; and

11 (2) a baby bumper pad.

12 \* \* \*

13 § 2470d. PENALTY; REMEDIES

14 (a) A seller or lessor who willfully and knowingly violates any provision of  
15 this subchapter shall be imprisoned not more than one year or fined not more  
16 than \$1,000.00, or both.

17 (b) The rights and remedies available under this subchapter are in addition  
18 to any other rights and remedies that may exist in law or in equity for an  
19 aggrieved party; or for the Attorney General.

20 Sec. 3. EFFECTIVE DATE

21 This act shall take effect on July 1, 2021.