

Regulations of Connecticut State Agencies

TITLE 21a. Consumer Protection

Agency

Department of Consumer Protection

Subject

Repurchase of Banned Hazardous Substances

Inclusive Sections

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Repurchase of Banned Hazardous Substances

Sec. 21a-342-1. Repurchase of banned hazardous substances

(a) **Scope.** This section establishes the procedures under which a banned hazardous article or substance which is required to be repurchased under Section 21a-346 of the Act shall be repurchased.

(b) **Definitions.** For the purposes of this section:

(1) The term “manufacturer” includes any person who manufactures or imports an article or substance for distribution or sale in the State of Connecticut, except that in the case of an article or substance distributed or sold under a name other than that of the actual manufacturer of the article or substance, the term “manufacturer” includes any person under whose name the article or substance is distributed or sold.

(2) The term “distributor” includes any person who sells an article or substance at wholesale.

(3) The term “dealer” includes any person who sells an article or substance at retail. A dealer who sells at wholesale an article or substance subject to this section shall, with respect to that sale, be considered the distributor of that article or substance.

(4) The term “person” includes an individual, partnership, corporation or association, or his or its legal representative or agent.

(5) The term “purchase price” means the amount of money paid to acquire an article or substance, including all taxes, but excluding transportation or shipping costs and finance, interest, or service charges.

(6) The term “reasonable and necessary transportation charges,” when used in connection with the return of an article or substance to a dealer, means:

(i) The actual costs incurred in returning the product in any manner reasonably specified by the dealer, including personal conveyance; or

(ii) The actual costs incurred in returning the product by mail, commercial carrier, or any other manner, including personal conveyance, reasonably utilized in the absence of specific instructions by the dealer.

(7) The term “reasonable and necessary expense” when used in connection with the return of an article or substance to a distributor or manufacturer shall include the cost of labor, administration, and transportation in the handling, processing, and shipping of that product.

(c) **Dealers.** In the case of a person who has purchased an article or substance from a dealer and who returns it to that dealer, the dealer shall refund the purchase price paid and reimburse the purchaser for any reasonable and necessary transportation charges incurred in its return.

(d) **Distributors.** The distributor of the article or substance shall repurchase it from the person to whom the distributor sold it and shall:

(1) Refund that person the purchase price paid for the article or substance;

(2) If that person has repurchased the article or substance under paragraph (c) of this section, reimburse that person for any reasonable and necessary transportation charges paid in accordance with that paragraph for the return of the article or substance in connection

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with its repurchase; and

(3) If the distributor requires the return of the article or substance in connection with the distributor's repurchase of it in accordance with this paragraph, reimburse that person for any reasonable and necessary expenses incurred in returning it to the distributor.

(e) **Manufacturers.** The manufacturer of the article or substance shall repurchase it from the person to whom the manufacturer sold it and shall:

(1) Refund that person the purchase price paid for the article or substance;

(2) Reimburse that person for any reasonable and necessary transportation charges and expenses paid by that person in connection with repurchase under paragraph (c) or (d) of this section; and

(3) If the manufacturer requires the return of the article or substance in connection with the manufacturer's repurchase of it in accordance with this paragraph, reimburse that person for any reasonable and necessary expenses incurred in returning it to the manufacturer.

(f) Notice of banned article or substance subject to repurchase.

(1) As soon as the manufacturer of an article or substance knows or receives information from which the manufacturer should know that the article or substance is a banned hazardous substance, the manufacturer shall immediately notify each distributor, dealer, and other person to whom the manufacturer has sold that product that it is a banned hazardous substance subject to repurchase under the act. This notice will identify the article or substance involved (including model number or other distinguishing characteristics), set forth the nature of the hazards involved in the use of the product, provide instructions for return or other disposition of the product, and advise that any distributor or dealer who receives the notice is required to provide further notice as specified in this paragraph. As soon as the distributor receives such notice, that distributor shall, in the same manner, similarly notify each distributor, dealer, and other person to whom the distributor has sold the article or substance.

(2) A dealer who sells or has sold an article or substance at a retail establishment shall, upon notification that such product is a banned hazardous substance, immediately do the following:

(i) Prepare and prominently display a list captioned "Banned Articles or Substances List" which shall contain an identification of the banned product including the model number or other distinguishing characteristics, the name and address of the manufacturer, the date notice was received from the manufacturer or distributor, and the nature of the hazards involved with the use of that product. Each banned article or substance shall be maintained on the list for a period of not less than 120 days from the date the dealer received the notification. The list will be considered to be prominently displayed if it is available for inspection at a convenient location in the store, to which the public has access without having to obtain the permission or assistance of a store employee, and if a sign posted in accordance with the provisions of subdivision (iii) of this subparagraph clearly indicates the location of the list.

(ii) Prepare and prominently display a notice captioned "Notice of Refund Procedures

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for Banned Articles or Substances.” This notice shall be displayed for a period of not less than 120 days from the date the dealer received the latest notification. The notice will be considered to be prominently displayed if it is available for inspection at the same convenient location in the store as the banned articles or substances list prepared in accordance with subdivision (i) of this subparagraph, to which the public has access without having to obtain the permission or assistance of a store employee, and if a sign posted in accordance with subdivision (iii) of this subparagraph clearly indicates the location of the list. The notice of refund procedures shall take following format:

Notice of Refund Procedures for Banned Articles or Substances

If you have purchased any product on the accompanying list of banned articles or substances, return that product to the retail dealer from whom you purchased it and you will receive a refund of the price which you paid for the product and any reasonable and necessary transportation charges incurred in the return of the product.

“Reasonable and necessary transportation charges” include: (1) the actual cost of returning the product in any manner reasonably specified by the dealer, including personal conveyance; or (2) the actual costs incurred in returning the product by mail, commercial carrier, or any other manner, including personal conveyance, reasonably utilized in the absence of specific instructions by the dealer.

(At this place, the retailer may specify the means to be used to return any product on the list purchased from that retailer.)

(iii) Prepare and prominently display a sign captioned “BANNED ARTICLES OR SUBSTANCES LIST AND REPURCHASE PROCEDURES.” This sign shall be posted on each floor of each store or other establishment open to the public where items similar to the banned product are displayed or sold. Each sign shall be not less than 22 inches by 28 inches in size, shall be printed in color contrasting with the background, and shall be so displayed for a period of not less than 120 days from date the dealer received the latest notification. Each sign shall contain the following language:

Banned Articles or Substances List and Repurchase Procedures

A list of products sold by this store which have been identified as banned articles or substances under the State Child Protection Act by the Connecticut Department of Consumer Protection is available for inspection at (describe location of list).

These products should not be used.

The products which appear on this list may be returned for refund as specified in the “Notice of Refund Procedures” which is posted at the same location as the list.

(3) In the case of an article or substance sold at retail other than in a retail establishment, the dealer, upon notification that the product is a banned article or substance, shall publicize a clear and conspicuous “Notice of Banned Article or Substance,” as follows, in a manner

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reasonably calculated to reach as many purchasers of the banned product as practicable:

Notice of Banned Article or Substance

The Connecticut Department of Consumer Protection has identified the following as a banned article or substance under the State Child Protection Act: (insert identification of banned product including model number or other distinguishing characteristics and the name and address of manufacturer).

This product should not be used because (describe nature of hazards associated with the use of the product).

If you have purchased this product, return the product to the retail dealer from whom you purchased it and you will receive a refund of the price which you paid for the product and any reasonable and necessary transportation charges incurred in its return.

If you purchased the product described in this notice from (insert name and address of retailer publishing this notice), return the product to this firm at the address listed above by (specify means of transportation to be utilized) to receive a refund of your purchase price and transportation charges.

(g) Any person subject to the jurisdiction of the State Child Protection Act, Chapter 420d of the General Statutes, who has complied with any administrative or court order issued pursuant to regulations promulgated under the Federal Consumer Product Safety Act, the Consumer Product Safety Improvement Act, and the Federal Flammable Fabrics Act, concerning the repurchase of banned hazardous substances shall be deemed to be in compliance with the rules and regulations of the Connecticut Department of Consumer Protection concerning the repurchase of banned hazardous substances.

(Effective July 27, 1984)

Sec. 21a-342-2. Warning label concerning small parts

(a) **Scope.** This section establishes the standards for the warning label that is required by Section 21a-337 (10) of the State Child Protection Act. Toys or other articles which are exempted by 16 CFR 1501.3 and paper, fabric, yarn, fuzz, elastic and string are exempted from the provisions of this section.

(b) **Content.** The warning label shall contain:

(1) the signal word “Warning”; and

(2) a statement of hazard that warns that the contents include small parts which pose a hazard for children under the age of three.

(c) **Conspicuousness.** The warning label shall be printed as follows:

(1) The warning label shall appear in conspicuous and legible type which is in contrast by typography, layout or color with the other printed matter on the packaging material;

(2) the type size of the warning label shall comply with the requirements of 16 CFR 1500.121 (c) (2); and

(3) the warning label shall not appear on the bottom or back panel of the packaging material. The bottom or back panel shall be determined by the manufacturer’s intended display position of the product for retail sale.

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(d) Unpackaged Toys and Articles. The warning label for toys or other articles which are unpackaged, such as items sold in bulk or by vending machine, and which are too small to have a warning label attached to the item, shall be placed on the container from which the items are sold or the vending machine displaying the toy or article.

(Effective May 21, 1993)