

No. 1978-31

## AN ACT

## HB 1761

Amending the act of July 25, 1961 (P.L.857, No.372), entitled "An act regulating the manufacture of stuffed toys intended for sale, gift, or use in Pennsylvania; providing for registration of such manufacturers, the paying of a fee for such registration, the issuance of a seal of approval to such manufacturers; providing that material used in such toys shall be new and free from dangerous or harmful substances; providing for disinfection of such material containing products of animal origin; and prescribing penalties," changing certain registration fees, exempting charitable and nonprofit organizations from payment of the registration fee and making editorial changes.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The title and sections 2, 3, 4 and 6, act of July 25, 1961 (P.L.857, No.372), entitled "An act regulating the manufacture of stuffed toys intended for sale, gift, or use in Pennsylvania; providing for registration of such manufacturers, the paying of a fee for such registration, the issuance of a seal of approval to such manufacturers; providing that material used in such toys shall be new and free from dangerous or harmful substances; providing for disinfection of such material containing products of animal origin; and prescribing penalties," are amended to read:

## AN ACT

An act regulating the manufacture of stuffed toys intended for sale, gift, or use in Pennsylvania; providing for registration of such manufacturers, the paying of a fee for such registration, the issuance of a **[seal of approval] certificate of registration** to such manufacturers; providing that material used in such toys shall be new and free from dangerous or harmful substances; providing for disinfection of such material containing products of animal origin; and prescribing penalties.

Section 2. As used in this act—

**[(1)]** The term "Department" shall mean the Department of Labor and Industry.

*The term "manufacturer" shall mean any person engaged in the producing or making of stuffed toys for use outside the maker's household.*

**[(2)]** The term "new" shall mean any article or material which has not been subjected to a previous manufacturing process, or which has not been previously used for any purpose.

**[(3)]** The term "person" shall include individuals, **[partnership] partnerships**, associations, trusts, corporations, and any other individual or any other business entity.

[(4)] The term "stuffed toy" shall mean any article intended for use by infants or children as a plaything which is filled with or contains any fiber, chemical or other stuffing.

Section 3. (a) Manufacturers of all stuffed toys manufactured in this Commonwealth or intended for sale, gift or use in this Commonwealth shall register with the department on forms as provided by the department. The forms shall set forth, among other items, the name and address of the manufacturer, the type of stuffed toys manufactured, the composition of the stuffing and such other information as the department may require. A fee of [one hundred dollars (\$100.00)] *twenty-five dollars (\$25.00)* shall accompany each registration. This registration shall be valid for a period of one (1) year and may be renewed, annually, by filling out of such forms as shall be prescribed by the department, which form shall be accompanied by payment of a fee of twenty-five (\$25.00) dollars.

(b) *Any manufacturer which demonstrates to the satisfaction of the secretary that it is a charitable or nonprofit organization is exempted from payment of the registration fee authorized in this section.*

Section 4. Upon receipt of the registration form, the department shall, if the applicant is in compliance with this act and the regulations of the department, issue a [seal of approval] *certificate of registration* to the manufacturer *containing a registration number*, which [seal] *number* must appear on each stuffed toy intended for sale, gift or use in this Commonwealth. If the department fails to issue such [seal of approval] *certificate of registration* or renewal of the [seal] *certificate*, the applicant may appeal to the Industrial Board which will hold a hearing to determine whether or not the applicant is in compliance with this act and the regulations thereunder. The procedure used in such hearing shall be the same as that required in trial in assumpsit in the courts of common pleas of this Commonwealth. Appeals from the decision of the Industrial Board shall be to the [Court of Common Pleas of Dauphin County] *Commonwealth Court* on questions of law only.

Section 6. Only stuffed toys which have been issued a [seal] *certificate* as provided in section 4 of this act may be sold, distributed or given away in this Commonwealth.

Section 2. This act shall take effect in 60 days.

APPROVED—The 18th day of April, A. D. 1978.

MILTON J. SHAPP