

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1333 Session of 2023

INTRODUCED BY DAWKINS, DALEY, MADDEN, R. MACKENZIE, HILL-EVANS, KINSEY, HADDOCK, SANCHEZ, MENTZER, MALAGARI AND GREEN, JUNE 7, 2023

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 26, 2023

AN ACT

1 Amending the act of July 25, 1961 (P.L.857, No.372), entitled
2 "An act regulating the manufacture of stuffed toys intended
3 for sale, gift, or use in Pennsylvania; providing for
4 registration of such manufacturers, the paying of a fee for
5 such registration, the issuance of a certificate of
6 registration to such manufacturers; providing that material
7 used in such toys shall be new and free from dangerous or
8 harmful substances; providing for disinfection of such
9 material containing products of animal origin; and
10 prescribing penalties," further providing for definitions,
11 for manufacturing, for materials and for enforcement; and
12 providing for labeling.

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

15 Section 1. Section 2 of the act of July 25, 1961 (P.L.857,
16 No.372), referred to as the Stuffed Toy Manufacturing Act, is
17 amended by adding definitions to read:

18 Section 2. As used in this act--

19 * * *

20 The term "reclaimed material" shall mean any material that
21 would have otherwise been disposed of as waste and has been
22 collected and reclaimed as material input, in lieu of new

1 primary material, for recycling purposes.

2 The term "recycled material" shall mean any material that has
3 been reprocessed from reclaimed material by means of a
4 manufacturing process and made into a final product or into a
5 component for incorporation into a final product.

6 Section 2. Sections 3(a), 5 and 9 of the act are amended to
7 read:

8 Section 3. (a) Manufacturers of all stuffed toys
9 manufactured in this Commonwealth or intended for sale, gift or
10 use in this Commonwealth shall register with the department on
11 forms as provided by the department. The forms shall set forth,
12 among other items, the name and address of the manufacturer, the
13 type of stuffed toys manufactured, the composition of the
14 stuffing and such other information as the department may
15 require. A fee shall accompany each registration. This
16 registration shall be valid for a period of one (1) year and may
17 be renewed, annually, by filling out of such forms as shall be
18 prescribed by the department, which form shall be accompanied by
19 payment of a fee. [The department shall set the fees required
20 under this section by regulation.]

21 * * *

22 Section 5. All material used in stuffed toys shall be new or
23 recycled material and free from dangerous or harmful chemicals
24 or other substances and shall be free from oil, dirt, refuse and
25 similar substances. Manufacturers using material [in stuffed
26 toys containing products of animal origin must obtain a
27 certificate of disinfection from the department on forms
28 provided by the department.] either inside of the stuffed toys
29 or any part covering the outside of the stuffed toys that
30 contain products of animal origin must ensure that the material

1 has been properly sterilized by following a process approved by
2 the department. These manufacturers must also obtain a
3 certificate of disinfection from the department on forms
4 provided by the department. Such application shall contain with
5 it a random sample of the said product of animal origin as it is
6 contained in stuffed toys ready for market. In disinfection of
7 such material only processes approved by the department may be
8 used. In determining what processes shall be approved, the
9 department shall insure that the said product of animal origin
10 shall be clean and pure and neither harmful nor dangerous to
11 potential users thereof. Stuffed toys shall also be subjected to
12 a flammability test and any stuffed toy determined by the
13 department to be highly inflammable and dangerous shall not be
14 approved.

15 Section 9. [Prosecutions for violations of this act or the
16 regulations thereunder shall be in the form of summary
17 proceedings before a district justice. Any person who violates
18 any of the provisions of this act shall, in a summary
19 proceeding, be sentenced to pay a fine of not less than three
20 hundred dollars (\$300.00) nor more than five hundred dollars
21 (\$500.00) for each offense, and in default of payment thereof,
22 undergo imprisonment of not less than thirty days nor more than
23 sixty days.] The department has the authority to enforce this
24 act. An enforcement action for violations of this act or the
25 regulations thereunder is subject to the provisions of 2 Pa.C.S.
26 (relating to administrative law and procedure). Any person who
27 violates any of the provisions of this act shall pay a fine of
28 not less than three hundred dollars (\$300.00) nor more than five
29 hundred dollars (\$500.00) for each offense.

30 Section 3. The act is amended by adding a section to read:

1 Section 9.1. (a) Each stuffed toy manufactured for sale,
2 delivered, consigned or possessed for sale, sold or offered for
3 sale, gift or use in this Commonwealth shall have securely
4 affixed to it a tag or label. The form, design, color or size of
5 the label is left to the discretion of the manufacturer or
6 importer. The information required on the label shall be clearly
7 legible and in sufficient size type so that it may be readily
8 discerned.

9 (b) The label of a stuffed toy shall bear the following
10 information:

11 (1) A statement that the type of material used in the
12 manufacture of the stuffed toy is new, recycled or a mix of new
13 and recycled materials.

14 (2) The registration number of the manufacturer or importer
15 assigned by the Commonwealth preceded by the abbreviations "REG.
16 NO. PA."

17 (3) CERTIFICATION THAT THE MANUFACTURER OR IMPORTER OF THE <--
18 STUFFED TOY DOES NOT ENGAGE IN CHILD LABOR, FORCED LABOR OR
19 SLAVE LABOR PRACTICES.

20 (c) No person other than the one granted a given
21 registration or the person's designated agent shall use the
22 registration number.

23 Section 4. This act shall take effect in 60 days.