

West's Louisiana Statutes Annotated [Currentness](#)

Louisiana Revised Statutes

Title 46. Public Welfare and Assistance

→ [Chapter 55. Children's Product Safety Act \(Refs & Annos\)](#)

→ **§ 2701. Short title**

This Chapter shall be known and may be cited as the “Children's Product Safety Act”.

§ 2702. Definitions

For the purposes of this Chapter, the following words and phrases shall have the meanings ascribed to them in this Section:

- (1) “Child” means an individual who has not reached the age of eighteen years or otherwise been legally emancipated.
- (2) “Child care facility” means a facility as defined in [R.S. 46:1403\(B\)](#) or a family child day care home or a group child day care home as defined in [R.S. 46:1441.1](#).
- (3) “Children's product” means a product, including but not limited to a full-size crib, non-full-size crib, toddler bed, bed, car seat, chair, high chair, booster chair, hook-on chair, bath seat, gate or other enclosure for confining a child, play yard, stationary activity center, carrier, stroller, walker, or infant swing that is designed or intended to come into contact with the child while the product is used. Notwithstanding any other provision of this Section, a product is not a “children's product” for purposes of this Chapter if either of the following applies:
 - (a) It may be used by or for the care of a child under six years old, but it is designed or intended for use by the general population or segments of the general population and not solely or primarily for use by a child or for the care of a child.
 - (b) It is a medication, drug, or food or is intended to be ingested.
- (4) “Commercial user” means a person who deals in children's products or who holds himself out as having knowledge or skill relating to children's products, or a person who is in the business of remanufacturing, retrofitting, selling, leasing, subletting, or otherwise placing in the stream of commerce children's products.

(5) "Consumer protection section" means the office of the attorney general, public protection division, consumer protection section.

(6) "Crib" means a bed or containment designed to accommodate an infant.

(7) "Department" means the department responsible for issuing licenses or certificates of registration for child care facilities, as defined in this Section.

(8) "Full-size crib" means a full-size crib as defined in [16 C.F.R. 1508.3](#), regarding the requirements for full-size cribs.

(9) "Non-full-size crib" means a non-full-size crib as defined in [16 C.F.R. 1509.2](#), regarding the requirements for non-full-size cribs.

(10) "Person" means an individual, partnership, corporation, association, governmental entity, or other legal entity.

§ 2703. Sale of unsafe children's products prohibited

A commercial user shall not remanufacture, retrofit, sell, contract to sell or resell, lease, sublet, or otherwise place in the stream of commerce, on or after January 1, 2002, an unsafe children's product.

§ 2704. Unsafe children's product defined

A. A children's product is unsafe for purposes of this Chapter if it meets one or more of the following criteria:

(1) The children's product does not conform to all federal laws and regulations setting forth standards for the children's product.

(2) The children's product has been recalled for any reason by a federal agency, the product's manufacturer, distributor, or importer; the recall has not been rescinded; and the children's product has been listed by the consumer protection section as a recalled product.

(3) A federal agency has issued a warning that a specific children's product's intended use constitutes a safety hazard and the warning has not been rescinded.

B. For the purposes of this Chapter, a crib is unsafe if it does not conform to the standards endorsed or established by the Consumer Product Safety Commission, pursuant to [16 C.F.R. 1500.1, et seq.](#)

C. (1) An unsafe children's product, which meets the criteria established pursuant to this Section, may be retrofitted, if the retrofit has been approved by the federal agency issuing the recall or warning or the federal agency responsible for approving the retrofit, if such agency is different from the federal agency issuing the recall or warning. A retrofitted children's product may be sold if it is accompanied at the time of sale by a notice declaring that it is safe to use. The notice shall include all of the following:

(a) A description of the original problem that made the recalled children's product unsafe.

(b) A description of the retrofit that explains how the original problem was eliminated and declaring that it is now safe to use.

(c) The name and address of the commercial user who accomplished the retrofit certifying that the work was done, along with the name and model number of the product retrofitted. The commercial user is responsible for ensuring that the notice is present with the retrofitted product at the time of sale.

(2) A retrofit does not need to comply with this Chapter if either of the following applies:

(a) The retrofit is for a children's product that requires assembly by the consumer; the approved retrofit is provided with the product by the commercial user; and the retrofit is accompanied at the time of sale by instructions explaining how to apply the retrofit.

(b) The seller of a previously unsold children's product accomplishes the repair prior to sale and the repair is approved or recommended by a federal agency.

§ 2705. Listing of unsafe children's products

A. The consumer protection section shall maintain a comprehensive listing of children's products that have been identified as meeting any of the criteria set forth in [R.S. 46:2704](#). The consumer protection section shall make the comprehensive listing available to the public at no cost and shall post it on the Internet and encourage links.

B. The consumer protection section shall provide a copy of the listing of unsafe children's products to the departments, who shall ensure that any individual required by the department to inspect a child care facility for the purpose of issuing or renewing a license or certificate of registration shall also receive a copy.

C. The consumer protection section may work with any state agency providing child care assistance to provide a copy of the listing of unsafe children's products to each person providing child care.

§ 2706. Prohibited activity; notifications; posting of listing

A. A child care facility may not use or have on the premises, on or after July 1, 2002, an unsafe children's product. This Section does not apply to an antique or collectible children's product if it is not used by or accessible to a child in the child care facility.

B. The consumer protection section shall notify child care facilities, on a quarterly basis, of the provisions of this Chapter and of unsafe children's products in plain, nontechnical language that enables each child care facility to effectively inspect children's products and identify unsafe children's products.

C. The operator of a child care facility shall conspicuously post on the premises an updated copy of the listing of recalled children's products provided by the consumer protection section.

D. The operator of a child care facility may use information provided by the consumer protection section to determine if a children's product is a recalled product for the purposes of this Chapter.

§ 2707. Revocation or refusal to renew a license or certificate of registration

The department may revoke or refuse to renew the license or certificate of registration of a child care facility or refuse to issue a license or certificate of registration if the licensee, registrant, or applicant does not comply with the provisions of this Chapter.

§ 2708. Penalties

A. A commercial user who willfully and knowingly violates the provisions of [R.S. 46:2703](#) shall be subject to a fine of not more than one hundred dollars or imprisonment for not more than ninety days, or both.

B. A commercial user is not in violation of this Chapter if the specific recalled product sold was not on the consumer protection section's list thirty days before the sale.

§ 2709. Enforcement actions

The attorney general or the district attorney in whose district a violation of this Chapter occurred may bring an action in a court of competent jurisdiction to enforce the provisions of this Chapter.

§ 2710. Other remedies

Remedies available under this Chapter are in addition to any other remedies or procedures under any other provision of law that may be available to an aggrieved party.

§ 2711. Rules and regulations

A. The consumer protection section may adopt rules and regulations in accordance with the Administrative Procedure Act to establish appropriate safety standards for cribs.

B. The consumer protection section shall adopt rules and regulations in accordance with the Administrative Procedure Act to provide for the compilation, maintenance, and distribution of a comprehensive listing of children's products that have been identified as meeting any of the criteria set forth in [R.S. 46:2704](#).

C. The department may adopt rules and regulations in accordance with the Administrative Procedure Act to administer the provisions of this Chapter relative to child care licensing and registration standards.

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