

April 4, 1975

SENATOR CAVANAUGH: The bill isn't against retailers, it's for children.

SENATOR CLARK: Well I'm sure of that but the retailer is the one that's going to pay the fine. Not the children. Right? \$100 to \$500.

SENATOR CAVANAUGH: Well if they're offering these hazardous things for sale, they...

SENATOR CLARK: How would they know? I mean I'm a retailer and I buy toys. I buy them in good faith, I really don't sell toys but in my business if I would buy toys, I would buy them in good faith. I have no way to find out whether they contain cadmium, mercury, collodion or anything else. I would have no way of knowing it but still I would be subjected to a \$100 to \$500 fine if I offered these for sale. I don't even know if they were packaged properly but I brought them in good faith, assuming that they were. It looks to me like to fine should be back on the original manufacturer and not on the retailer.

SENATOR CAVANAUGH: It's on all of them. You would hope that by the time that it was...that it would never get to a retailer. That materials of this sort would never get to a retailer. But I think that anybody who is transacting business has the responsibility to know what they are selling and the implications of what they are selling. I think we left the "Buyer Beware" society a long time ago.

SENATOR CLARK: I sell lacquered furniture because I'm in the furniture business. I'm sure that any kid could know his teeth on furniture, which they do. And perhaps they would get this same thing. Now am I subjected to a \$100 or a \$500 fine? I don't suppose you construe it as a toy but maybe someone would if there was a \$500 fine involved.

SENATOR CAVANAUGH: I don't think it would fall within a definition of toy. I suppose if you had toy furniture and they were covered with these toxic substances, you'd be subject to the act. I really can't anticipate that many retailers have in their possession or transact business with these kind of materials because of the federal regulation and normally has prohibited this kind of activity at the manufacturer level. These kinds of toys are usually not manufactured. Or toys containing these substances, I don't believe, are manufactured in the United States today on any extensive basis. I think that the existence of any of these toys are probably of a foreign origin and that's where the problem that we have had with a lot of health hazard things relating to toys have been foreign manufactured. I would expect that retailers would be cautious just out of the history of the hazardous transactions that have occurred in dealing with foreign toys. They should be aware and make inquiry if a toy appears to be of a dangerous nature. I don't think it's unreasonable. I talked to Mr. Ruck of the retailers and after we discussed the bill, he did not express any objection to me about it and didn't feel that it was an unreasonable imposition on retailers in the state.

SENATOR CLARK: I can buy Mexican furniture but I don't because