

Intro. Res. No. 1415-2009

Laid on Table 4/28/2009

Introduced by Legislators Horsley, Nowick, Cooper, Browning, Romaine, Schneiderman, Beedenbender, Losquadro, Eddington, Montano, Alden, Lindsay, Vilorio-Fisher, Barraga, Kennedy, Gregory, Stern and D'Amaro

**RESOLUTION NO. 875 -2009, ADOPTING LOCAL LAW
NO. 35 -2009, A LOCAL LAW BANNING THE SALE OF DROP-
SIDE CRIBS IN SUFFOLK COUNTY**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on April 28, 2009, a proposed local law entitled, "**A LOCAL LAW BANNING THE SALE OF DROP-SIDE CRIBS IN SUFFOLK COUNTY;**" now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. 35 -2009, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW BANNING THE SALE OF DROP-SIDE CRIBS IN
SUFFOLK COUNTY**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF
SUFFOLK**, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that drop-side cribs are manufactured with three immovable sides and one side that is able to slide up and down to allow for easier access to infants inside the crib.

This Legislature also finds and determines that drop-side cribs have more moving parts than cribs with four fixed sides, leading to an increased risk of separation of one side of the crib from the others and higher rates of other crib malfunctions.

This Legislature further finds and determines that frequently parents are unaware that their drop-side crib has become unsafe because the crib's hardware malfunctions in a way that cannot be readily detected.

This Legislature finds that malfunctioning drop-side cribs have been the cause of at least three infant deaths and many injuries throughout the United States in the past eighteen (18) months.

This Legislature determines that the injuries and deaths resulting from the use of drop-side cribs have resulted in increased investigations and five recalls by the Federal Consumer Product Safety Commission, involving more than three million cribs.

This Legislature also finds that, in response to these concerns, the crib making industry has proposed through the industry safety standards organization, ASTM International, banning the manufacture and sale of drop-side cribs.

This Legislature further finds that currently, the industry ban on the manufacture and sale of drop-side cribs is only voluntary and is not required by any laws or regulations.

This Legislature also determines that Suffolk County wants to ensure the protection of its youngest and most vulnerable residents from the dangers associated with drop-side crib malfunctions.

Therefore, the purpose of this law is to ban the sale of drop-side cribs in Suffolk County.

Section 2. Definitions.

As used in this law, the following terms shall have the meanings indicated:

“DROP-SIDE CRIB” shall mean any infant crib that has three immovable sides, with a fourth side that moves up and down. This term shall not include drop-gate cribs or any other crib that has four immovable sides with a portion of one side capable of being folded down.

“PERSON” shall mean any natural person, individual, corporation, unincorporated association, proprietorship, firm, partnership, joint venture, joint stock association, or other entity of business of any kind.

Section 3. Prohibitions.

No person shall sell or offer for sale drop-side cribs within the County of Suffolk.

Section 4. Enforcement.

This law shall be enforced by the Suffolk County Department of Consumer Affairs.

Section 5. Authority to Promulgate Rules and Regulations.

The Commissioner of the Suffolk County Department of Consumer Affairs is hereby authorized and empowered to promulgate such rules and regulations as he or she deems necessary to implement this law.

Section 6. Penalties.

Any person who knowingly violates the provisions of this law shall be subject to a civil penalty of five hundred dollars (\$500) for an initial violation of the law and a penalty of one thousand dollars (\$1,000) for each subsequent violation.

Section 7. Applicability.

This law shall apply to all actions occurring on or after the effective date of this law.

Section 8. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or

unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 9. SEQRA Determination.

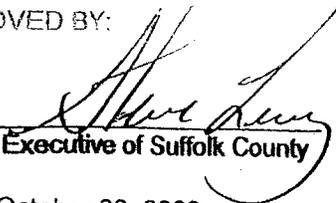
This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 10. Effective Date.

This law shall take effect on the ninetieth (90th) day immediately subsequent to filing in the Office of the Secretary of State.

DATED: October 13, 2009

APPROVED BY:



County Executive of Suffolk County

Date: October 28, 2009

After a public hearing duly held on October 26, 2009
Filed with the Secretary of State on November 10, 2009

SUFFOLK COUNTY
County Legislature
RIVERHEAD, NY



This is to Certify That I, TIM LAUBE, Clerk of the
of the County of Suffolk, have compared the foregoing copy of resolution with the
original resolution now on file in this office, and which was duly adopted by the
County Legislature of said County, on October 13, 2009, and signed by the
County Executive on October 28, 2009, after a public hearing duly held on
October 26, 2009 and filed with the Secretary of State on November 10, 2009
and that the same is a true and correct transcript of said resolution and of the whole
thereof.

In Witness Whereof, I have hereunto set my hand and the official
Seal of the County Legislature of the County of Suffolk on

Tim Laube

Clerk of the County Legislature