

AMENDMENT IN THE NATURE OF A SUBSTITUTION

Introduced by: Legislator Dave Denenberg

LOCAL LAW NO 2-2010

A LOCAL LAW banning the sale of drop-side cribs in Nassau County.

Passed by the Nassau County Legislature on December 21, 2009

Voting: ayes: 18, nays: 0, abstained: 0

Became a law on January 21, 2010

FORM APPROVED  
Interim-NASSAU COUNTY BOARD

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

Section 1. This law shall appear in the Miscellaneous Laws as Title 75.

§.0 Short Title. This law shall be known as "Drop-side cribs."

§ 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 the Consumer Product Safety Commission has reported that drop-side cribs have caused approximately 90 deaths and 11,000 injuries throughout the United States between 2005 and 2008.

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 been guided by the recommendation of the industry safety standards organization, ASTM International, that the manufacture and sale of drop-side cribs should be discontinued.

This Legislature intends to ensure the protection of the youngest and most vulnerable residents of Nassau County 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 Nassau County.

§ 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 business entity of any kind.

§ 3. Prohibitions. No person shall sell or offer for sale drop-side cribs within the County of Nassau.

§ 4. Enforcement. This law shall be enforced by the Nassau County Department of Consumer Affairs. The Commissioner of the Nassau County Department of Consumer Affairs shall promulgate such rules and regulations as it deems necessary for the implementation and enforcement of any provisions of this title.

§ 5. 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.

§ 6. Applicability. This law apply to all actions occurring on or a after the effective date of this law.

§ 7. 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 2. SEQRA Determination. This legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this action is an unlisted action under the provisions of Title 6 NYCRR Part 617, and that based on an evaluation of the environmental criteria set forth in §617.7(c) that are considered to be indicia of significant adverse environmental impacts, along with the recommendation of the Nassau County Planning Commission acting in its advisory capacity to the legislature, that such action will not have significant adverse impacts on the environment, and that no additional environmental review or action is necessary.

Section 3. Effective date. This law shall take effect ninety (90) days after becoming a law.

**DATE SUBMITTED** 12/23/09

**DEPUTY COUNTY EXECUTIVE  
ACTING FOR THE COUNTY EXECUTIVE**

**DATE APPROVED** \_\_\_\_\_