

By: Zaffirini

S.B. No. 104

A BILL TO BE ENTITLED

AN ACT

relating to requiring warning labels for certain buckets.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 756.011, Health and Safety Code, is amended to read as follows:

Sec. 756.011. TYPES OF REFRIGERATORS AND CONTAINERS COVERED. Except as provided by Section 756.014, this ~~[This]~~ subchapter applies only to a refrigerator, ice box, or other airtight or semi-airtight container that has:

(1) a capacity of at least 1-1/2 cubic feet;

(2) an opening of at least 50 square inches; and

(3) a door or lid equipped with a latch or other fastening device capable of securing the door or lid shut.

SECTION 2. Subchapter B, Chapter 756, Health and Safety Code, is amended by adding Section 756.014 to read as follows:

Sec. 756.014. LABELING REQUIREMENTS FOR CERTAIN BUCKETS.

(a) A person may not sell, distribute, or manufacture or offer for sale, distribution, or manufacture a bucket with a volume of at least four but not more than six gallons unless the bucket is labeled in accordance with this section.

(b) A label under this section must:

(1) be removable only by the use of a tool or a solvent;

(2) be placed on the side of the bucket near where the

1 handle inserts into the bucket; and

2 (3) conspicuously display, on a contrasting
3 background:

4 (A) the words, in both English and Spanish:

5 (i) "WARNING"; and

6 (ii) "Children can fall into bucket and
7 drown--keep children away from bucket with even a small amount of
8 liquid";

9 (B) the likeness of a child reaching into a
10 bucket superimposed with an encircled slash; and

11 (C) an exclamation point contrasted against and
12 enclosed by a triangle to the left of the word "WARNING."

13 (c) The executive commissioner of the Health and Human
14 Services Commission by rule may prescribe additional
15 specifications for the labeling of buckets under this section to
16 conform with the labeling standards developed by the American
17 Society for Testing and Materials, as long as the specifications
18 are equally protective of public health as the provisions of this
19 section.

20 (d) A violation of this section is subject to the
21 enforcement and penalty provisions of Subchapters C and D, Chapter
22 501, and a bucket labeled in violation of this section shall be
23 considered a misbranded hazardous substance or a hazardous
24 substance for the purposes of those subchapters.

25 SECTION 3. This Act takes effect September 1, 2005.