

**LOCAL LAW NO. 2 OF 2010  
COUNTY OF ROCKLAND  
STATE OF NEW YORK**

(Introduced by: Hon. Alden H. Wolfe)

Mr. Wolfe offered the following Local Law, which was seconded by the Entire Legislature and unanimously adopted:

A local law prohibiting the sale of drop-side cribs within the County of Rockland.

Be it enacted by the legislature of the county of Rockland as follows:

**Section 1. Name of local law**

This law shall be known as “the Rockland County Infant and Toddler Safety Act.”

**Section 2. Legislative intent.**

Drop-side cribs are manufactured with three immovable sides and one side that slides up and down to allow for easier access to infants and toddlers inside the crib. As drop-side cribs have more moving parts than cribs with four fixed sides, this leads to an increased risk of separation of one side of the crib from the others and higher rates of other related crib malfunctions. Parents are frequently unaware that their drop-side crib has become unsafe because the crib’s hardware malfunctions in a way that cannot readily be detected. These problems are exacerbated when a drop-side crib is passed on from child to child and family to family.

Malfunctioning drop-side cribs have been the cause of at least five (5) infant deaths and many injuries throughout the United States in the past two years. Injuries and deaths resulting from the use of drop-side cribs have resulted in increased investigations and twenty-one (21) recalls by the Federal Consumer Product Safety Commission, involving more than 4.2 million cribs. The most recent recall was in November of 2009, affecting 1.2 million drop-side cribs, the largest such recall in history.

In response to these concerns, the crib-making industry has proposed through the industry standards organization, ASTM International, banning the manufacture and sale of drop-side cribs. However, the industry ban on the manufacture and sale of drop-side cribs is only voluntary and is not required by any laws or regulations.

The purpose of this law is to ensure the continued protection of the public health, safety and general welfare of the County's infants and toddlers who are vulnerable to the dangers associated with drop-side crib malfunctions. Therefore, this law bans the sale of drop-side cribs within the County of Rockland.

### **Section 3. Definitions.**

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

- A. **COUNTY** – The County of Rockland, New York.
- B. **DROP-SIDE CRIB** – 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.
- C. **PERSON** – any natural person, individual, corporation, unincorporated association, proprietorship, firm, partnership, joint venture, joint stock association, or other entity of business of any kind.

### **Section 4. Prohibition.**

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

### **Section 5. Enforcement and Penalties.**

Any person who violates the provisions of this chapter shall be subject to the imposition by the Rockland County Department of Consumer Protection of a civil penalty of \$500 for an initial violation, and \$1,000 for each subsequent violation. No civil penalty shall be imposed by the Rockland County Department of Consumer Protection as provided for herein unless the alleged violator has received notice of the charge against him or her and has had an opportunity to be heard pursuant to the normal procedures of the Rockland County Department of Consumer Protection. Prior to the imposition of the first civil penalty on an alleged violator, the Rockland County Department of Consumer Protection shall make a good-faith effort to issue a warning to the alleged violator and shall make a good-faith effort to educate the alleged violator about the provisions of this chapter.

## **Section 6. Applicability**

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

## **Section 7. Severability.**

If any clause, sentence, paragraph, subdivision, section or part of this local 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, effect 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 8. Effective date.**

This local law shall take effect (90) days after it is filed with the New York State Secretary of State.