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Albany County Agrees to Halt Enforcement of Unconstitutional Albany County Toy Ban

County Attorney Steps in to Fix Legislative Overreach

New York, NY | May 14, 2015 – The “Safe to Play Coalition” announced today that a joint motion has been filed with the County Attorney in the United States District Court for the Northern District of New York for a Court Order granting a stay regarding Albany County Local Law No. J. The stay is a result of litigation against the County because the measure violates federal preemptive safety laws. Due to this action, the law will not be enforced while the County seeks to address the serious legal concerns raised by the lawsuit.

Local Law J is an unnecessary and unenforceable law that essentially bans the sale of safe, federally-approved children’s products found on store shelves.

The law is the subject of a federal lawsuit alleging the county acted with “gross disregard of extensive federal laws regulating the safety of toys and children’s products” and failed to adhere to the US Constitution.

“This law claimed to make children’s products safer when, in reality, all it did was criminalize and ban the sale of safe children’s products that parents need and want for their children,” said Rick Locker, counsel to the coalition. “The safety of children is our top priority, and we thank the County Attorney for allowing that mission to remain our focus.”

As passed, Local Law J bans and criminalizes the sale of safe toys and products that otherwise meet federal safety laws under the Federal Hazardous Substances Act (FHSA) and the Consumer Product Safety Act (CPSA). Congress enacted those provisions to ensure that strict, uniform standards would govern the safety of children’s products nationwide, and to avoid the uncertainty and inefficiency of patchwork safety regulations through hundreds of different, often-conflicting state and local standards. The law that Albany County recently passed is precisely the kind of law Congress has governed to avoid.

About the Safe to Play Coalition

The Safe to Play Coalition is an alliance representing hundreds of small U.S. manufacturers and sellers of toys and children's products. The association members are dedicated to the development of safe products by complying with various federal laws, committing tens of millions of dollars to testing and safety, and making product safety the core of their mission from concept to consumer.

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