

2630.0500 BANNING AND SEIZURE OF HAZARDOUS TOYS.

Subpart 1. **Order banning hazardous toys.** If the commissioner determines that a specific toy is subject to a part and fails to meet any standards incorporated therein, the commissioner may issue and cause to be served upon the manufacturer and importer a temporary order banning the manufacture, importation, distribution, sale, or offering for sale of such toys. The order shall be served by registered or certified mail and shall be calculated to give reasonable notice of the time and place for a hearing thereon, and shall state the reasons for the entry of the temporary order. The hearing shall be held no later than ten days after the temporary order has been served upon all parties, after which and within ten days of the date of the hearing the commissioner shall issue a further order either vacating, modifying, or continuing the order. The order may be modified to include:

A. directing the manufacturer or importer to repurchase the banned toys in accordance with parts 2630.1100 to 2630.1900;

B. directing the manufacturer or importer to bring such toys into conformity with this chapter and federal regulations, and standards incorporated therein; and

C. directing such other action as the commissioner deems necessary to ensure compliance with this chapter and federal regulations.

Subp. 2. **Immediate danger.** If the commissioner determines that an immediate danger exists to the public health and safety, which is caused by a toy that presents an electrical, mechanical, or thermal hazard or a toy that presents a hazard due to toxic or flammable properties or properties able to produce asphyxiation or suffocation, the commissioner may issue and cause to be served upon the manufacturer, importer, or dealer a temporary order banning the manufacture, importation, sale, or distribution of such toy. The order shall be served by registered or certified mail and shall be calculated to give reasonable notice of the time and place for a hearing thereon and shall state the reasons for the entry of the temporary order. The hearing shall be held no later than ten days after the issuance of the temporary order, after which and within ten days of the date of the hearing the commissioner shall issue a further order either vacating, modifying, or continuing the order.

Subp. 3. **Warrant to seize toys.** The commissioner shall apply to the district court to seize toys presenting hazards to the public when no other method to control the hazard exists.

Statutory Authority: *MS s 325F.11*

History: *17 SR 1279; L 1983 c 289 s 114*

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