**South Carolina General Assembly**

118th Session, 2009-2010

**H. 4524**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Herbkersman and Hosey

Document Path: l:\council\bills\agm\19812bh10.docx

Introduced in the House on February 4, 2010

Currently residing in the House Committee on **Judiciary**

Summary: Sidney's Law

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/4/2010 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2010\02-04-10.docx)‑18

2/4/2010 House Referred to Committee on **Judiciary** [HJ](file:///h:\HJ%20Archive\2010\02-04-10.docx)‑18

**VERSIONS OF THIS BILL**

[2/4/2010](file:///p:\pprever\2009-10\4524_20100204.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 39‑5‑31 SO AS TO ENACT “SIDNEY’S LAW” TO PROVIDE THAT IT IS AN UNFAIR TRADE PRACTICE TO SELL OR OFFER FOR SALE A YO‑YO WATERBALL TOY, TO DEFINE CERTAIN TERMS, TO PROVIDE PENALTIES, AND TO PROVIDE LEGISLATIVE FINDINGS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. The General Assembly finds:

(1) Yo‑Yo Waterballs, also known as water yo‑yos, are inexpensive, easily accessible toys that pose a strangulation hazard and threaten the health of children.

(2) Yo‑Yo Waterballs are banned in France, the United Kingdom, Luxembourg, Australia, Brazil, and Canada, and Germany and New Zealand have issued warnings concerning Yo‑Yo Waterballs.

(3) The New York State Consumer Protection Board has issued two warnings calling Yo‑Yo Waterballs serious hazards to children, and the Massachusetts Office of Consumer Affairs and Business Regulation calls Yo‑Yo Waterballs a great risk to children.

(4) Consumer Reports magazine rated Yo‑Yo Waterballs as “not acceptable” in its December, 2003 issue.

(5) World Against Toys Causing Harm labeled Yo‑Yo Waterballs as one of the “Ten Worst Toys of 2003”.

(6) A report of the United States Public Interest Research Group dated November, 2004 lists Yo‑Yo Waterballs as a strangulation hazard.

(7) The United States Consumer Product Safety Commission has reported that Yo‑Yo Waterballs pose a potential risk of strangulation.

(8) In addition, the United States Consumer Product Safety Commission reported that, as of November 15, 2005, Yo‑Yo Waterballs were responsible for four hundred five reported health incidents, two hundred ninety of which were coded as causing “suffocation or strangulation”.

(9) Of those two hundred ninety incidents, at least fifty‑two resulted in serious breathing difficulties that rendered the child unconscious and lifeless after suffering from a lack of oxygen or broken blood vessels.

(10) The United States Consumer Product Safety Commission reported that twenty‑four children reported allergic reactions to the fluid used in Yo‑Yo Waterballs, which has caused some to experience trouble breathing.

(11) In spite of evidence concerning the danger to children caused by Yo‑Yo Waterballs, the United States Consumer Product Safety Commission has refused repeated attempts towards banning these dangerous toys.

SECTION 2. Article 1, Chapter 5, Title 39 of the 1976 Code is amended by adding:

“Section 39‑5‑31. (A) This section is known and may be cited as ‘Sidney’s Law’.

(B) It is an unlawful trade practice pursuant to Section 39‑5‑20 to sell or offer for sale a Yo‑Yo Waterball toy.

(C) For the purposes of this section, ‘Yo‑Yo Waterball toy’ means a toy marketed and sold under the name of ‘Yo‑Yo Waterball’ and any similar fluid yo‑yo toy that contains a rubber ball filled with liquid attached to a rubber cord.

(D) A law enforcement officer may confiscate a Yo‑Yo Waterball that is sold or offered for sale in violation of this section.

(E) In addition to the penalties provided by this chapter, a person who violates the provisions of this section is liable for a civil penalty of:

(1) not more than ten thousand dollars, for the first offense; and

(2) not more than twenty thousand dollars, for the second and each subsequent offense.”

SECTION 3. This act takes effect upon approval by the Governor.

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