

4055--A

2011-2012 Regular Sessions

I N   S E N A T E

March 15, 2011

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Introduced by Sens. ALESI, GRISANTI -- read twice and ordered printed,  
and when printed to be committed to the Committee on Health -- commit-  
tee discharged, bill amended, ordered reprinted as amended and recom-  
mitted to said committee

AN ACT to amend the public health law, in relation to regulating cadmium  
in substrate of children's jewelry

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1     Section 1. The public health law is amended by adding a new section  
2     1376-b to read as follows:  
3     S 1376-B. REGULATION OF CADMIUM IN CERTAIN SUBSTRATE COMPONENTS OF  
4     CHILDREN'S JEWELRY. 1. NO CHILDREN'S JEWELRY SHALL BE SOLD OR DISTRIB-  
5     UTED IN THE STATE THAT CONTAINS CADMIUM IN ACCESSIBLE METAL OR PLASTIC  
6     SUBSTRATE COMPONENTS EXCEEDING THE LEVELS PRESCRIBED IN THIS SECTION.  
7     2. ACCESSIBLE PLASTIC OR METAL COMPONENTS OF CHILDREN'S JEWELRY THAT  
8     EXCEED A TOTAL CADMIUM CONTENT SCREENING LEVEL OF 300 PARTS PER MILLION  
9     (PPM) SHALL MEET THE FOLLOWING MIGRATION LIMITS:  
10    (A) ACCESSIBLE PLASTIC COMPONENTS OF CHILDREN'S JEWELRY THAT ARE SMALL  
11    PARTS AS DEFINED IN 16 C.F.R. 1501.4 SHALL NOT EXCEED 75 PPM CADMIUM, AS  
12    DETERMINED THROUGH SOLUBILITY TESTING IN ACCORDANCE WITH EUROPEAN UNION  
13    STANDARD: EN-71-3, TOY SAFETY SPECIFICATION FOR MIGRATION OF CERTAIN  
14    ELEMENTS.  
15    (B) ACCESSIBLE METAL COMPONENTS OF CHILDREN'S JEWELRY THAT ARE SMALL  
16    PARTS AS DEFINED IN 16 C.F.R. 1501.4 SHALL NOT EXCEED 200 UG CADMIUM, AS  
17    DETERMINED THROUGH SOLUBILITY TESTING IN ACCORDANCE WITH U.S. CONSUMER  
18    PRODUCT SAFETY COMMISSION TEST METHOD: CPSCC-CH-E1004-11, STANDARD OPER-  
19    ATING PROCEDURE FOR DETERMINING CADMIUM (CD) EXTRACTABILITY FROM CHIL-  
20    DREN'S METAL JEWELRY, APPLYING AN INTER-LABORATORY CORRECTION FACTOR  
21    CONSISTENT WITH EN-71-3.  
22    (C) ACCESSIBLE PLASTIC AND METAL COMPONENTS OF CHILDREN'S JEWELRY THAT  
23    ARE NOT SMALL PARTS AS DEFINED IN 16 C.F.R. 1501.4 SHALL NOT EXCEED 18

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

LBD10236-02-1

1 UG CADMIUM, AS DETERMINED THROUGH SALINE EXTRACTION TESTING IN ACCORD-  
2 ANCE WITH THE U.S. CONSUMER PRODUCT SAFETY COMMISSION'S SALINE  
3 EXTRACTION PROCEDURE.

4 3. THE MOST CURRENT DULY ADOPTED REFERENCED TEST METHOD SHALL BE USED.  
5 ALTERNATIVE TEST METHODS MAY BE SUBSTITUTED IF SUCH METHODS ARE DEMON-  
6 STRATED TO BE AS STRINGENT AS, OR MORE STRINGENT THAN, THE REFERENCED  
7 METHODS.

8 4. FOR PURPOSES OF THIS SECTION, "CHILDREN'S JEWELRY" IS JEWELRY  
9 DESIGNED AND INTENDED PRIMARILY FOR USE BY CHILDREN TWELVE YEARS OF AGE  
10 OR YOUNGER TO BE WORN AS AN ITEM OF PERSONAL ORNAMENTATION, AND DOES NOT  
11 INCLUDE (A) TOYS OR OTHER PRODUCTS INTENDED FOR USE WHEN A CHILD PLAYS,  
12 (B) ACCESSORIES, (C) APPAREL, (D) FOOTWEAR, OR (E) ANY OTHER PRODUCT  
13 WHOSE PURPOSE IS PRIMARILY FUNCTIONAL AND NOT ORNAMENTAL.

14 S 2. This act shall take effect one year after it shall have become a  
15 law, and shall apply only to accessible plastic or metal components of  
16 children's jewelry manufactured on and after such date, and shall be  
17 preempted on the date a superseding federal standard for cadmium in  
18 children's jewelry takes effect.