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2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Health

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 ASSEMBLY, 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
24 UG CADMIUM, AS DETERMINED THROUGH SALINE EXTRACTION TESTING IN ACCORD-

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

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1 ANCE WITH THE U.S. CONSUMER PRODUCT SAFETY COMMISSION'S SALINE
2 EXTRACTION PROCEDURE.

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

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

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