

3511

2013-2014 Regular Sessions

I N S E N A T E

February 5, 2013

Introduced by Sen. O'BRIEN -- 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 heavy metals, magnets and batteries in children's jewelry; and providing for the repeal of such provisions upon expiration thereof

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. COMPREHENSIVE CHILDREN'S JEWELRY SAFETY ACT. 1. DEFINI-
4 TIONS. AS USED IN THIS SECTION:

5 (A) "CHILDREN'S JEWELRY" MEANS JEWELRY DESIGNED OR INTENDED PRIMARILY
6 FOR USE BY CHILDREN TWELVE YEARS OF AGE OR YOUNGER TO BE WORN AS AN ITEM
7 OF PERSONAL ORNAMENTATION, AND DOES NOT INCLUDE:

8 (I) TOYS OR OTHER PRODUCTS INTENDED FOR USE WHEN A CHILD PLAYS;

9 (II) ACCESSORIES;

10 (III) APPAREL;

11 (IV) FOOTWEAR; OR

12 (V) ANY OTHER PRODUCT WHOSE PURPOSE IS PRIMARILY FUNCTIONAL AND NOT
13 ORNAMENTAL.

14 (B) "ASTM F 2923-11" MEANS THE ASTM (AMERICAN SOCIETY FOR TESTING AND
15 MATERIALS) INTERNATIONAL STANDARD SPECIFICATION FOR CONSUMER PRODUCT
16 SAFETY FOR CHILDREN'S JEWELRY IN EFFECT ON JANUARY FIRST, TWO THOUSAND
17 THIRTEEN.

18 2. REQUIREMENTS. ALL CHILDREN'S JEWELRY MANUFACTURED, SOLD OR DISTRIB-
19 UTED IN THE STATE SHALL MEET THE REQUIREMENTS OF ASTM F 2923-11.

20 S 2. This act shall take effect on the one hundred eightieth day after
21 it shall have become a law, and shall remain in effect until a supersed-
22 ing federal standard for children's jewelry takes effect when upon such
23 date this act shall be deemed repealed; provided that the commissioner
24 of health shall notify the legislative bill drafting commission upon the

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

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1 promulgation of any such superseding federal standard for children's
2 jewelry in order that the commission may maintain an accurate and timely
3 effective data base of the official text of the laws of the state of New
4 York in furtherance of effectuating the provisions of section 44 of the
5 legislative law and section 70-b of the public officers law.