

STATE OF NEW YORK

3761

2019-2020 Regular Sessions

IN SENATE

February 13, 2019

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 components 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 § 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/polymeric or metal components of children's
8 jewelry that exceed a total cadmium content screening level of 300 parts
9 per million (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 ASTM F2923-14,
13 Standard Specification for Consumer Product Safety for Children's Jewel-
14 ry, 13.4.

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 ASTM F2923-14
18 13.5, applying an inter-laboratory analytical correction factor consist-
19 ent with ASTM F2923-14 13.5.1.

20 (c) Accessible plastic and metal components of children's jewelry that
21 are not small parts as defined in 16 C.F.R. 1501.4 shall not exceed 18
22 ug cadmium, as determined through saline extraction testing in accord-
23 ance with ASTM F2923-14 13.6.

24 3. The most current duly adopted test method referenced in ASTM
25 F2923-14 shall be used. Alternative test methods may be substituted if

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

LBD08528-01-9

1 such methods are demonstrated to be as stringent as, or more stringent
2 than, the referenced methods.

3 4. For purposes of this section, "children's jewelry" is jewelry
4 designed and intended primarily for use by children twelve years of age
5 or younger to be worn as an item of personal ornamentation, and does not
6 include (a) toys or other products intended for use when a child plays,
7 (b) accessories, (c) apparel, (d) footwear, or (e) any other product
8 whose purpose is primarily functional and not ornamental.

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