§ 37-0115. Lead-containing jewelry.

For purposes of this section, the following terms shall have the following definitions:

1. "Body piercing jewelry" means any part of jewelry that is manufactured or sold for placement in a new piercing or a mucous membrane, but does not include any part of that jewelry that is not placed within a new piercing or a mucous membrane.

2. "Children" means children under the age of twelve.

3. "Children's jewelry" means jewelry that is made for, marketed for use by, or marketed to, children and includes jewelry that meets any of the following conditions:

(a) Represented in its packaging, display, or advertising, as appropriate for use by children.

(b) Sold in conjunction with, attached to, or packaged together with other products that are packaged, displayed, or advertised as appropriate for use by children.

(c) Sized for children and not intended for use by adults.

(d) Sold in any of the following:

(1) A vending machine.

(2) Retail store, catalogue, or online web site, in which a person exclusively offers for sale products that are packaged, displayed, or advertised as appropriate for use by children.

(3) A discrete portion of a retail store, catalogue, or online web site, in which a person offers for sale products that are packaged, displayed, or advertised as appropriate for use by children.

4. "Jewelry" means any of the following ornaments worn by a person:

(a) ankle bracelet;

(b) arm cuff;

(c) bracelet;

(d) brooch;

(e) chain;

(f) crown;

(g) cuff link;
(h) hair accessory;
(i) earring;
(j) necklace;
(k) decorative pin;
(l) ring;
(m) body piercing jewelry;
(n) jewelry placed in the mouth for display or ornament;
(o) any charm, bead, chain, link, pendant, or other component of the items listed in this definition;
(p) a charm, bead, chain, link, pendant, or other attachment to shoes or clothing that can be removed and may be used as a component of an item listed in this definition;
(q) a watch in which a timepiece is a component of an item listed in this definition, excluding the timepiece itself if the timepiece can be removed from the ornament.

5. Effective January first, two thousand twenty-one, no manufacturer shall sell, or offer for sale, children's jewelry that contains a total lead content in any component part of the item that is more than 0.004% (40 parts per million) but less than 0.01% (100 parts per million) by total weight or a lower standard for lead content as may be established by federal or state law or rule unless that item bears a warning statement that indicates that at least one component part of the item contains lead.

The warning statement for children's jewelry shall contain at least the following: "WARNING: CONTAINS LEAD. MAY BE HARMFUL IF EATEN OR CHEWED. "

A manufacturer is in compliance if the warning statement is provided on the children's jewelry or on the label on the immediate container of the children's jewelry.

The warning statement requirement does not apply to any children's jewelry:
(a) for which federal law governs warning in a manner that preempts

state authority;

(b) if the component parts of the children's jewelry containing lead are inaccessible to a child through normal and reasonably foreseeable use and abuse as defined by the United States Consumer Product Safety Commission;

(c) if the component parts in question are exempt from third-party testing as determined by the United States Consumer Product Safety Commission; or

(d) to children's jewelry resold or offered for resale, or distributed by consumers for consumer use.