



House of Representatives

File No. 679

General Assembly

February Session, 2010

(Reprint of File No. 276)

Substitute House Bill No. 5314
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
April 30, 2010

**AN ACT BANNING CADMIUM IN CHILDREN'S JEWELRY AND
CONCERNING THE TIME FOR IMPLEMENTATION OF THE BAN ON
INFANT FORMULA AND BABY FOOD RECEPTACLES CONTAINING
BISPHENOL-A.**

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2012*) (a) As used in this
2 section:

3 (1) "Cadmium" means elemental cadmium and any compounds or
4 alloys which contain cadmium; and

5 (2) "Children's jewelry" means any jewelry, including charms,
6 bracelets, pendants, necklaces, earrings or rings, and any component
7 thereof, that is designed or intended to be worn or used by children
8 twelve years of age or younger.

9 (b) Except as provided in subsection (c) of this section, on and after
10 July 1, 2014, no person shall manufacture, sell, offer for sale or
11 distribute in this state any children's jewelry that contains cadmium at
12 more than .0075 per cent by weight.

13 (c) The provisions of this section may be enforced, within available
14 appropriations, by the Commissioner of Consumer Protection.

15 Sec. 2. Section 21a-12c of the 2010 supplement to the general statutes
16 is repealed and the following is substituted in lieu thereof (*Effective*
17 *October 1, 2011*):

18 (a) For the purposes of this section, (1) "infant formula" means a
19 milk-based or soy-based powder, concentrated liquid or ready-to-feed
20 substitute for human breast milk, that is intended for infant
21 consumption and is commercially available, and (2) "baby food" means
22 a prepared solid food consisting of a soft paste or an easily chewed
23 food that is intended for consumption by children two years of age or
24 younger and is commercially available.

25 (b) Except as provided in subsection (c) of this section, [on and after]
26 for the period from October 1, 2011, to September 30, 2014, inclusive,
27 no person shall manufacture, sell, offer for sale or distribute in this
28 state any infant formula or baby food that is stored in a plastic
29 container, jar or can that contains bisphenol-A in the infant formula or
30 food contact area of such plastic container, jar or can. On and after
31 October 1, 2014, no person shall manufacture, sell, offer for sale or
32 distribute in this state any infant formula or baby food that is stored in
33 a plastic container, jar or can that contains bisphenol-A.

34 (c) A person may sell or distribute his or her existing inventory of
35 infant formula or baby food containers, jars or cans containing
36 bisphenol-A as of October 1, 2011, until October 1, 2012, provided such
37 person can demonstrate that such containers, jars or cans were
38 purchased or acquired prior to October 1, 2011, in a quantity
39 comparable to the containers, jars or cans purchased or acquired
40 during the same period of the prior year.

41 (d) The provisions of this section may be enforced, within available
42 appropriations, by the Commissioner of Consumer Protection.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2012</i>	New section
Sec. 2	<i>October 1, 2011</i>	21a-12c

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 11 to FY 13\$	FY 14 \$
Consumer Protection, Dept.	GF - Potential Cost	None	Up to 1,000

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill results in a potential cost to the Department of Consumer Protection of up to \$1,000 per year beginning in FY 14. The cost is associated with the testing of children’s jewelry for cadmium which would be carried out through a contract with private firms. Currently, the cost of testing for cadmium varies from \$50 to \$200 per sample. It is estimated that as many as five such tests would occur in any one year. Under the bill these provisions are to be implemented within available appropriations and will result in one of four outcomes: (1) the agency will proceed with the required duties, and may require a deficiency appropriation; (2) the agency will delay the implementation of the bill pending the approval of additional appropriations to meet these requirements; (3) the agency will shift staff resources from other agency priorities, thereby impacting existing agency responsibilities and duties; or (4) the agency will not be able to implement the bill.

House “A” (LCO 4349) is technical and clarifying and has no fiscal impact.

The Out Years

The annualized ongoing fiscal impact identified above would

continue into the future subject to inflation.

OLR Bill Analysis**sHB 5314 (as amended by House "A")******AN ACT BANNING CADMIUM IN CHILDREN'S JEWELRY.*****SUMMARY:**

Beginning July 1, 2014, this bill prohibits children's jewelry containing cadmium or its compounds or alloys of more than .0075% by weight from being sold, offered for sale, or distributed in Connecticut.

The bill also delays, from July 1, 2011 through September 30, 2014, the prohibition in current law on manufacturing, selling, offering for sale, or distributing baby bottles, cans, and baby food containers containing bisphenol-A (BPA). However, during that interim period these baby products can only contain BPA that does not come into contact with formula or food. Beginning October 1, 2014, the prohibition becomes absolute.

It retains the exception in current law allowing retailers and distributors to sell or distribute these products from inventories bought before October 1, 2011. The exception expires October 1, 2012. After that date, sellers and distributors are subject to the limitations described above.

The Department of Consumer Protection has enforcement authority over bans of both materials, within existing appropriations.

*House Amendment "A" (1) delays the date of the cadmium ban and increases, from .004% to .0075%, the weight of cadmium that is permitted in children's jewelry and (2) adds the BPA provisions.

EFFECTIVE DATE: October 1, 2012 for the cadmium provisions and

October 1, 2011 for the BPA provisions

DEFINITIONS

Children's jewelry means jewelry designed or intended to be worn or used by children under age 13. Jewelry includes charms, bracelets, pendants, necklaces, earrings, or rings, and any component of these.

Infant formula means a commercially available milk- or soy-based powder, concentrated liquid or ready-to-feed substitute for human breast milk, intended for human consumption. Baby food means a commercially available prepared soft food consisting of a soft paste or an easily chewed food intended for children age two or younger.

BACKGROUND

Cadmium

Most cadmium in the United States is extracted during the production of other metals like zinc, lead, and copper. Cadmium does not corrode easily and is used in such products as batteries, pigments, metal coatings, and plastic.

The U.S. Department of Health and Human Services has determined that cadmium and cadmium compounds are human carcinogens. A few studies in animals indicate that the young absorb more cadmium than adults. Animal studies also indicate that the young are more susceptible than adults to a loss of bone and decreased bone strength from exposure to cadmium.

Bisphenol-A

BPA is an industrial chemical used to make hard, clear plastic known as polycarbonate, which is used in many consumer products, including reusable baby bottles and on the inside of metal-based food and beverage cans.. Animal studies have found it to have reproductive and developmental toxicity.

COMMITTEE ACTION

Select Committee on Children

Joint Favorable Substitute Change of Reference
Yea 10 Nay 2 (03/09/2010)

Environment Committee

Joint Favorable Substitute
Yea 30 Nay 0 (03/17/2010)

General Law Committee

Joint Favorable
Yea 16 Nay 1 (04/12/2010)