



General Assembly

January Session, 2015

***Raised Bill No. 6741***

LCO No. 3418



Referred to Committee on COMMITTEE ON CHILDREN

Introduced by:  
(KID)

***AN ACT CONCERNING CADMIUM IN CHILDREN'S JEWELRY.***

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

1 Section 1. (NEW) (*Effective October 1, 2015, and applicable to violations*  
2 *occurring on or after said date*) (a) As used in this section:

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

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 by children twelve  
8 years of age or younger; and

9 (3) "Commissioner" means the Commissioner of Consumer  
10 Protection.

11 (b) Each person who manufactures children's jewelry for sale or  
12 distribution in this state and each person who distributes children's  
13 jewelry in this state shall register with the Department of Consumer  
14 Protection on a form prescribed by the commissioner and pay a

15 reasonable registration fee, as determined by the commissioner, but  
16 not to exceed \_\_\_\_ dollars, to offset the costs of administering the  
17 provisions of this section. The commissioner shall develop a testing  
18 compliance form to be completed by all registered manufacturers and  
19 distributors.

20 (c) No person shall manufacture for sale in this state or distribute in  
21 this state any children's jewelry that contains cadmium at more than  
22 the amounts specified in subsection (d) or (e) of this section.

23 (d) The commissioner shall require manufacturers and distributors  
24 to certify in writing on a compliance form developed by the  
25 commissioner that all children's jewelry manufactured for distribution  
26 in this state or for sale in this state has been tested for cadmium using a  
27 total content test. The passing standard for such total content test shall  
28 be not more than .01 per cent by weight. Total content test methods  
29 shall be applied separately to each component part of such jewelry and  
30 may include, but shall not be limited to, x-ray fluorescence  
31 spectrometry analysis or total digestion testing, as specified by the  
32 latest American Society of Testing Materials standards. The  
33 commissioner shall not require leaching or extraction (solubility)  
34 testing for children's jewelry that has not met the total content test  
35 passing standard.

36 (e) In addition to the total content test required pursuant to  
37 subsection (d) of this section, the commissioner, in the commissioner's  
38 discretion, may require written verification from manufacturers and  
39 distributors of a surface coating test for cadmium in children's jewelry  
40 that contains paint or any other surface coating. The passing standard  
41 for such surface coating test shall be not more than .0075 per cent by  
42 weight.

43 (f) (1) (A) Except as provided in subparagraph (B) of this  
44 subdivision, any person who violates subsection (c) of this section shall  
45 be guilty of a class B misdemeanor.

46 (B) For any offense committed with intent to defraud or mislead, or  
47 for any second or subsequent offense, any person who violates  
48 subsection (c) of this section shall be guilty of a class A misdemeanor,  
49 except that such person may be fined not more than five thousand  
50 dollars.

51 (2) No person shall be subject to the penalties set forth in  
52 subdivision (1) of this subsection if such person received, delivered or  
53 proffered delivery of the children's jewelry in good faith. Such person  
54 shall furnish, on request of an officer or employee duly designated by  
55 the commissioner, the name and address of the individual or entity  
56 from whom such person purchased or received such children's  
57 jewelry, and shall also furnish copies of all documents in the  
58 possession of such person, if any, pertaining to the delivery of the  
59 children's jewelry to such person.

60 (g) A violation of subsection (c) of this section shall be an unfair or  
61 deceptive act or practice in the conduct of trade or commerce pursuant  
62 to subsection (a) of section 42-110b of the general statutes.

63 (h) Any person required by an order of the commissioner to pay a  
64 fine, cease and desist from using any method, act or practice declared  
65 unlawful pursuant to section 42-110b of the general statutes or to make  
66 restitution may appeal therefrom in accordance with the provisions of  
67 section 4-183 of the general statutes. Any appeal brought under this  
68 subsection shall be privileged with respect to assignment for trial.

69 (i) The commissioner, after consultation with the Commissioner of  
70 Public Health, shall develop and provide information to the public on  
71 the Department of Consumer Protection's Internet web site regarding  
72 safety issues related to cadmium in children's jewelry and  
73 recommended precautions parents may take to reduce or eliminate  
74 such safety issues.

75 Sec. 2. Section 21a-12d of the general statutes is repealed. (*Effective*  
76 *October 1, 2015*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015, and applicable to violations occurring on or after said date</i>	New section
Sec. 2	<i>October 1, 2015</i>	Repealer section

**Statement of Purpose:**

To implement certain recommendations of the Task Force on Cadmium in Children's Jewelry.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*