



General Assembly

Substitute Bill No. 6743

January Session, 2015



AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE TASK FORCE ON 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 an
15 annual registration fee of fifty dollars. The commissioner shall develop
16 a testing compliance form to be completed by all such registered
17 manufacturers and distributors.

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

21 (d) The commissioner shall require manufacturers and distributors
22 to certify in writing on a compliance form developed by the
23 commissioner that all children's jewelry manufactured for distribution
24 in this state or for sale in this state has been tested for cadmium using a
25 total content test. The passing standard for such total content test shall
26 be not more than .03 per cent by weight. Total content test methods
27 shall be applied separately to each component part of such jewelry and
28 may include, but shall not be limited to, x-ray fluorescence
29 spectrometry analysis or total digestion testing, as specified by the
30 latest ASTM standards. The commissioner shall not require leaching or
31 extraction (solubility) testing for children's jewelry that has not met the
32 total content test passing standard.

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

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

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

48 (2) No person shall be subject to the penalties set forth in

49 subdivision (1) of this subsection if such person received, delivered or
50 proffered delivery of the children's jewelry in good faith. Any person
51 claiming a good faith defense under this subdivision shall furnish, on
52 request of an officer or employee duly designated by the
53 commissioner, the name and address of the individual or entity from
54 whom such person purchased or received such children's jewelry, and
55 shall also furnish copies of all documents in the possession of such
56 person, if any, pertaining to the delivery of the children's jewelry to
57 such person.

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

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

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

74 Sec. 2. Section 21a-12d of the general statutes is repealed. (*Effective*
75 *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

GL *Joint Favorable Subst.*

JUD *Joint Favorable*