



General Assembly

Amendment

January Session, 2015

LCO No. 7855



Offered by:

REP. BARAM, 15th Dist.
REP. URBAN, 43rd Dist.
REP. CARTER, 2nd Dist.

To: Subst. House Bill No. 6743

File No. 318

Cal. No. 200

**"AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE
TASK FORCE ON CADMIUM IN CHILDREN'S JEWELRY."**

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

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

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

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

11 (3) "Commissioner" means the Commissioner of Consumer

12 Protection.

13 (b) From the effective date of this section until October 1, 2020, each
14 person who manufactures children's jewelry for sale or distribution in
15 this state and each person who distributes children's jewelry in this
16 state shall register with the Department of Consumer Protection on a
17 form prescribed by the commissioner and pay an annual registration
18 fee of one hundred dollars. The commissioner shall develop a testing
19 compliance form to be completed by all such registered manufacturers
20 and distributors. Any registration fee collected by the department
21 under this subsection shall be paid to the State Treasurer and credited
22 to the account established pursuant to section 2 of this act.

23 (c) From the effective date of this section until October 1, 2020, no
24 person shall manufacture for sale in this state or distribute in this state
25 any children's jewelry that contains cadmium at more than the
26 amounts specified in subsection (d) or (e) of this section.

27 (d) From the effective date of this section until October 1, 2020, the
28 commissioner shall require manufacturers and distributors to certify in
29 writing on a compliance form developed by the commissioner that all
30 children's jewelry manufactured for distribution in this state or for sale
31 in this state has been tested for cadmium using a total content test. The
32 passing standard for such total content test shall be not more than .03
33 per cent by weight. Total content test methods shall be applied
34 separately to each component part of such jewelry and may include,
35 but shall not be limited to, x-ray fluorescence spectrometry analysis or
36 total digestion testing, as specified by the latest ASTM standards. The
37 commissioner shall not require leaching or extraction (solubility)
38 testing for children's jewelry that has not met the total content test
39 passing standard.

40 (e) From the effective date of this section until October 1, 2020, in
41 addition to the total content test required pursuant to subsection (d) of
42 this section, the commissioner, to ensure compliance with the
43 provisions of this act, shall require written verification from such

44 manufacturers and distributors of a surface coating test for cadmium
45 in children's jewelry that contains paint or any other surface coating
46 that is able to be removed or separated for testing. Such test may
47 include, but shall not be limited to, total digestion testing, as specified
48 by the latest ASTM standard. The passing standard for such surface
49 coating test shall be not more than .0075 per cent by weight.

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

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

58 (2) No person shall be subject to the penalties set forth in
59 subdivision (1) of this subsection if such person received, delivered or
60 proffered delivery of the children's jewelry in good faith. Any person
61 claiming a good faith defense under this subdivision shall furnish, on
62 request of an officer or employee duly designated by the
63 commissioner, the name and address of the individual or entity from
64 whom such person purchased or received such children's jewelry, and
65 shall also furnish copies of all documents in the possession of such
66 person, if any, pertaining to the delivery of the children's jewelry to
67 such person.

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

71 (h) Any person required by an order of the commissioner to pay a
72 fine, cease and desist from using any method, act or practice declared
73 unlawful pursuant to section 42-110b of the general statutes or to make
74 restitution may appeal from such order in accordance with the

75 provisions of section 4-183 of the general statutes. Any appeal brought
76 under this subsection shall be privileged with respect to assignment
77 for trial.

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

84 Sec. 2. (NEW) (*Effective October 1, 2015*) There is established a
85 cadmium in children's jewelry administration account which shall be a
86 separate, nonlapsing account within the General Fund. The account
87 shall contain any civil penalties paid to the state pursuant to the
88 enforcement of subsection (g) of section 1 of this act and any fees
89 collected pursuant to subsection (b) of section 1 of this act and any
90 other moneys required by law to be deposited in the account, and shall
91 be held in trust separate and apart from all other moneys, funds and
92 accounts. Any balance remaining in the account at the end of any fiscal
93 year shall be carried forward in the account for the fiscal year next
94 succeeding. Investment earnings credited to the account shall become
95 part of the account. Amounts in the account shall be expended only for
96 the purpose of providing funds to the Department of Consumer
97 Protection for administering the provisions of section 1 of this act.

98 Sec. 3. (NEW) (*Effective October 1, 2015*) When considering whether
99 to extend the provisions of section 1 of this act beyond October 1, 2020,
100 the General Assembly, after consulting with the joint standing
101 committees of the General Assembly having cognizance of matters
102 relating to children and consumer protection, shall consider the
103 effectiveness of the registration requirements, manufacturer and
104 distributor prohibitions and testing requirements and penalties
105 contained in section 1 of this act.

106 Sec. 4. (NEW) (*Effective October 1, 2015*) On or before December 31,

107 2016, and annually thereafter until December 31, 2020, the joint
 108 standing committees of the General Assembly having cognizance of
 109 matters relating to children and consumer protection in consultation
 110 with the Commissioner of Consumer Protection and the results-based
 111 accountability subcommittee of the joint standing committee of the
 112 General Assembly having cognizance of matters relating to
 113 appropriations and the budgets of state agencies, shall report to the
 114 General Assembly, using a results-based accountability framework,
 115 regarding the effectiveness of the registration requirements,
 116 manufacturer and distributor prohibitions, testing requirements and
 117 penalties contained in section 1 of this act. Such report shall include,
 118 but not be limited to: (1) The number of tests performed; (2) the results
 119 of such tests; (3) the total percentage of children's jewelry distributed
 120 and sold in this state that was tested; and (4) the annual number of
 121 reported cases in this state of children who have suffered adverse
 122 medical effects relating to the ingestion or exposure to cadmium.

123 Sec. 5. Section 21a-12d of the general statutes is repealed. (*Effective*
 124 *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>	New section
Sec. 3	<i>October 1, 2015</i>	New section
Sec. 4	<i>October 1, 2015</i>	New section
Sec. 5	<i>October 1, 2015</i>	Repealer section