

By Senator Joyner

18-00421-11

2011272\_\_

1                   A bill to be entitled  
2           An act relating to cadmium in children's products;  
3           defining terms; prohibiting a person from using or  
4           applying cadmium in excess of a specified amount on  
5           any item of children's jewelry, toy, or child care  
6           article sold in this state; providing an exception;  
7           providing for a criminal penalty; providing an  
8           effective date.

9  
10   Be It Enacted by the Legislature of the State of Florida:

11  
12           Section 1. Cadmium in children's products; limitations on  
13 use of cadmium; exceptions; criminal penalties.-

14           (1) As used in this section, the term:

15           (a) "Child" means an individual who is 7 years of age or  
16 younger, unless otherwise specified.

17           (b) "Child care article" means a product designed or  
18 intended by the manufacturer to facilitate the sleep,  
19 relaxation, or feeding of a child or to help a child with  
20 sucking or teething.

21           (c) "Children's jewelry" means jewelry that is made for,  
22 marketed for use by, or sold to a child.

23           (d) "Consumer" means an actual or prospective purchaser,  
24 lessee, or recipient of consumer goods or services.

25           (e) "Person" has the same meaning as provided in s. 1.01,  
26 Florida Statutes.

27           (f) "Toy" means an article designed and made for the  
28 amusement of a child and for the child's use during play.

29           (2) A person may not use or apply cadmium in excess of 75

18-00421-11

2011272

30 parts per million on any surface coating or substrate material  
31 on any item of children's jewelry, toy, or child care article,  
32 as determined through solubility testing for heavy metals  
33 defined in the ASTM International Safety Specification on Toy  
34 Safety, ASTM Standard F-963, if the product is sold in this  
35 state. This section does not apply to the sale of a collectible  
36 toy that is not marketed to or intended to be used for play by a  
37 child younger than 14 years of age.

38 (3) If a person who is not an individual consumer knowingly  
39 and intentionally violates subsection (2), that person commits a  
40 felony of the third degree, punishable as provided in s.  
41 775.082, s. 775.083, or s. 775.084, Florida Statutes.

42 Section 2. This act shall take effect July 1, 2011.