

AMENDED IN ASSEMBLY APRIL 19, 2005

AMENDED IN ASSEMBLY APRIL 4, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 1681

**Introduced by Assembly Member Pavley
(Coauthors: Assembly Members Chan and Goldberg)**

February 22, 2005

An act to add Article 10.2.2 (commencing with Section 25214.8.5) to Chapter 6.5 of Division 20 of the Health and Safety Code, relating to toxic substances.

LEGISLATIVE COUNSEL'S DIGEST

AB 1681, as amended, Pavley. Lead-containing jewelry.

(1) Existing hazardous waste control laws regulate the disposal of discarded appliances, lead acid batteries, small household batteries, recyclable latex paint, and household hazardous waste, except as provided in the hazardous waste control laws and regulations. *A violation of the hazardous control laws is a crime and the Department of Toxic Substances Control is required to enforce those laws.*

This bill would prohibit, on and after ~~January~~ July 1, 2007, until December 31, 2008, a person from advertising, selling, offering to sell, or distributing for promotional purposes in this state, or importing into the state, jewelry, as defined, that contains more than ~~200~~ 500 parts per million total lead *and would, after January 1, 2009, decrease the permitted level to 200 parts per million total lead.* Because a violation of the bill's provisions would be a crime, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.

Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Article 10.2.2 (commencing with Section
2 25214.8.5) is added to Chapter 6.5 of Division 20 of the Health
3 and Safety Code, to read:

4
5 Article 10.2.2. Lead-Containing Jewelry

6
7 25214.8.5. The Legislature finds and declares all of the
8 following:

9 (a) Lead is neurotoxic. Acute lead toxicity can cause seizures,
10 coma, and even death. Chronic lead toxicity is associated with
11 attention deficit problems, learning disabilities, mental
12 retardation, and antisocial and delinquent behaviors. Even very
13 low dose exposures of lead have been linked to intellectual
14 impairment.

15 (b) Lead is particularly hazardous to children. Lead in young
16 children, even at minute levels, causes brain function
17 impairment. Current studies indicate that no level of lead
18 exposure is safe for a developing child.

19 (c) Lead enters the body when a person breathes or swallows
20 lead objects, dust, fumes, or mist. Lead is absorbed into the
21 bloodstream and distributed throughout the body. The lead that is
22 not excreted right away is stored in soft tissue and bone.
23 Eventually, 90 percent or more of the lead body burden is
24 accumulated in the bones and may stay there for years.

25 (d) Studies have demonstrated that when children ingest lead,
26 their bodies absorb between 40 to 50 percent of the lead.

27 (e) When a pregnant woman has lead in her body, the lead
28 easily crosses the placenta and can harm the developing child.

29 (f) High concentrations of lead have been consistently found
30 in jewelry, particularly inexpensive jewelry that is marketed to
31 children.

1 (g) A March 2005 study by the University of North Carolina
2 found that of 312 jewelry items purchased from California
3 retailers, 123 samples were found to contain more than 50
4 percent lead by weight, and 36 of these 123 samples contained
5 more than 75 percent lead. Experiments simulating handling of
6 these samples demonstrated that a child under the age of seven
7 years could be exposed to extremely hazardous levels of lead
8 when just briefly touching at least one of the jewelry samples.
9 The study further indicated that more intensive handling or direct
10 mouthing activity would result in even greater lead exposures to
11 children.

12 (h) From September 2003 to July 2004, the Consumer Product
13 Safety Commission oversaw three recalls of nearly 150 million
14 pieces of toy jewelry because those jewelry pieces contained
15 toxic levels of lead. Then, again in December 2004, January
16 2005, and March 2005, the commission recalled an additional 3
17 million pieces of lead-containing jewelry.

18 (i) These frequent recalls of lead products and the recent
19 research clearly show that lead in low-cost jewelry is a
20 significant threat to public health.

21 25214.8.6. (a) For purposes of this article, “jewelry” means
22 (1) an ornament worn by a person on the body, including, but not
23 limited to, a necklace, bracelet, anklet, earring, locket, pendant,
24 charm bracelet, ring, pinky ring, chain, broach, pin, lapel pin,
25 headband, watchband, or (2) any pendant, bead, chain, link, or
26 other component of such an ornament.

27 (b) On and after ~~January 1, 2007~~ *July 1, 2007, until December*
28 *31, 2008*, a person shall not advertise, sell, offer to sell, distribute
29 for promotional purposes in this state, or import into the state,
30 jewelry that contains more than ~~200~~ 500 parts per million total
31 lead.

32 (c) *On and after January 1, 2009, a person shall not advertise,*
33 *sell, offer to sell, distribute for promotional purposes in this*
34 *state, or import into the state, jewelry that contains more than*
35 *200 parts per million total lead.*

36 SEC. 2. No reimbursement is required by this act pursuant to
37 Section 6 of Article XIII B of the California Constitution because
38 the only costs that may be incurred by a local agency or school
39 district will be incurred because this act creates a new crime or
40 infraction, eliminates a crime or infraction, or changes the

1 penalty for a crime or infraction, within the meaning of Section
2 17556 of the Government Code, or changes the definition of a
3 crime within the meaning of Section 6 of Article XIII B of the
4 California Constitution.

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