

AMENDED IN ASSEMBLY JUNE 1, 2005

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 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, *metal jewelry or any metal component of jewelry*, as defined, that contains more than ~~500~~ 600 parts per million total lead, *as determined by a specified screening test*, and would ~~after~~ *prohibit, on and after*, January 1, ~~2009~~, ~~decrease the permitted level to 200 parts per million total lead~~ 2007, *a person from advertising, selling, offering*

to sell, or distributing for promotional purposes in this state, or importing into the state, nonmetal jewelry, or any nonmetal component of jewelry, except leaded crystal jewelry, or any leaded crystal component of jewelry that contains more than 200 parts per million total lead, as determined by a specified screening test. The bill would prohibit, on and after January 1, 2007, a person from advertising, selling, offering to sell, or distributing for promotional purposes in this state, leaded crystal jewelry, or any leaded crystal component of jewelry, that yields more than 90 micrograms of accessible lead when subjected to a specified acid extraction test. 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

1 impairment. Current studies indicate that no level of lead
2 exposure is safe for a developing child.

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

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

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

13 (f) High concentrations of lead have been consistently found
14 in jewelry, particularly inexpensive jewelry that is marketed to
15 children.

16 (g) A March 2005 study by the University of North Carolina
17 found that of 312 jewelry items purchased from California
18 retailers, 123 samples were found to contain more than 50
19 percent lead by weight, and 36 of these 123 samples contained
20 more than 75 percent lead. Experiments simulating handling of
21 these samples demonstrated that a child under the age of seven
22 years could be exposed to extremely hazardous levels of lead
23 when just briefly touching at least one of the jewelry samples.
24 The study further indicated that more intensive handling or direct
25 mouthing activity would result in even greater lead exposures to
26 children.

27 (h) From September 2003 to July 2004, the Consumer Product
28 Safety Commission oversaw three recalls of nearly 150 million
29 pieces of toy jewelry because those jewelry pieces contained
30 toxic levels of lead. Then, again in December 2004, January
31 2005, and March 2005, the commission recalled an additional 3
32 million pieces of lead-containing jewelry.

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

36 25214.8.6. (a) For purposes of this article, “jewelry” means
37 (1) an ornament worn by a person on the body *or on clothing*,
38 including, but not limited to, a necklace, bracelet, anklet, earring,
39 locket, pendant, charm bracelet, ring, pinky ring, chain, broach,

1 pin, lapel pin, headband, watchband, or (2) any pendant, bead,
2 chain, link, or other component of such an ornament.

3 (b) On and after July 1, 2007, ~~until December 31, 2008,~~ a
4 person shall not advertise, sell, offer to sell, distribute for
5 promotional purposes in this state, or import into the state,
6 ~~jewelry~~ *metal jewelry, or any metal component of jewelry* that
7 contains more than ~~500~~ 600 parts per million total lead, *as*
8 *determined by the "Screening Test for Total Pb Analysis,"*
9 *contained in the Consumer Product Safety Commission's*
10 *"Interim Enforcement Policy for Children's Metal Jewelry*
11 *Containing Lead," which became effective on February 3, 2005.*

12 (c) On and after January 1, ~~2009~~ 2007, a person shall not
13 advertise, sell, offer to sell, distribute for promotional purposes in
14 this state, or import into the state, ~~jewelry~~ *nonmetal jewelry or*
15 *any nonmetal component of jewelry, except leaded crystal*
16 *jewelry or any leaded crystal component of jewelry,* that contains
17 more than 200 parts per million total lead, *as determined by "The*
18 *Screening Test for Total Pb Analysis" in the Consumer Product*
19 *Safety Commission's "Interim Enforcement Policy for Children's*
20 *Metal Jewelry Containing Lead," that became effective on*
21 *February 3, 2005.*

22 (d) *On and after January 1, 2007, a person shall not advertise,*
23 *sell, offer to sell, or distribute for promotional purposes in this*
24 *state, or import into this state, leaded crystal jewelry or any*
25 *leaded crystal component of jewelry that yields more than 90*
26 *micrograms of accessible lead when subjected to the Acid*
27 *Extraction Test, as identified by the Consumer Product Safety*
28 *Commission's policy known as, "Interim Enforcement Policy for*
29 *Children's Metal Jewelry Containing Lead," that became*
30 *effective on February 3, 2005.*

31 SEC. 2. No reimbursement is required by this act pursuant to
32 Section 6 of Article XIII B of the California Constitution because
33 the only costs that may be incurred by a local agency or school
34 district will be incurred because this act creates a new crime or
35 infraction, eliminates a crime or infraction, or changes the
36 penalty for a crime or infraction, within the meaning of Section
37 17556 of the Government Code, or changes the definition of a

1 crime within the meaning of Section 6 of Article XIII B of the
2 California Constitution.

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