

AMENDED IN SENATE JUNE 12, 2006

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**

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

February 22, 2005

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An act to add ~~Article 10.2.2 (commencing with Section 25214.8.5)~~ *Article 10.1.1 (commencing with Section 25214.1)* 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~~ *The* Department of Toxic Substances Control is required to enforce those *hazardous waste* laws.

~~This bill would prohibit, on and after July 1, 2007, 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 600~~

~~parts per million total lead, as determined by a specified screening test, and would prohibit, on and after, January 1, 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:~~

~~*This bill would prohibit a person, on and after March 1, 2008, from manufacturing, shipping, selling, or offering for sale jewelry for retail sale in the state, unless the jewelry is made entirely from specified materials. The bill would also prohibit any person, on and after September 1, 2007, from taking those actions with regard to children's jewelry, as defined, unless the children's jewelry is made entirely from certain specified materials.*~~

~~*The bill would also prohibit a person, on and after March 1, 2008, from manufacturing, shipping, selling, or offering for sale body piercing jewelry, as defined, for retail sale in the state unless it is made from specified materials.*~~

~~*The bill would exclude a person who violates these prohibitions from the criminal penalties imposed pursuant to the hazardous waste control laws and would instead provide that a person who violates those prohibitions would be liable for a civil penalty not to exceed \$2,500 per day for each violation. The bill would require all civil penalties collected be deposited in the Safe Drinking Water and Toxic Enforcement Fund, for expenditure by the department, upon appropriation by the Legislature, to implement and enforce those prohibitions.*~~

*The bill would specify the testing methods and protocols for determining compliance with these prohibitions and would authorize the Office of Environmental Health Hazard Assessment to adopt regulations that modify these testing protocols as it deems necessary to further the purposes of the bill.*

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

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

1 SECTION 1. Article 10.1.1 (commencing with Section  
2 25214.1) is added to Chapter 6.5 of Division 20 of the Health  
3 and Safety Code, to read:

4  
5 Article 10.1.1. Lead-Containing Jewelry

6  
7 25214.1. For purposes of this article, the following  
8 definitions shall apply:

9 (a) "Body piercing jewelry" means any part of jewelry that is  
10 manufactured or sold for placement in a new piercing or a  
11 mucous membrane, but does not include any part of that jewelry  
12 that is not placed within a new piercing or a mucous membrane.

13 (b) "Children" means children aged six and younger.

14 (c) "Children's jewelry" means jewelry that is made for,  
15 marketed for use by, or marketed to, children. For purposes of  
16 this article, children's jewelry includes, but is not limited to,  
17 jewelry that meets any of the following conditions:

18 (1) Represented in its packaging, display, or advertising, as  
19 appropriate for use by children.

20 (2) Sold in conjunction with, attached to, or packaged together  
21 with other products that are packaged, displayed, or advertised  
22 as appropriate for use by children.

23 (3) Sized for children and not intended for use by adults.

24 (4) Sold in any of the following:

25 (A) A vending machine.

26 (B) Retail store, catalogue, or online Web site, in which a  
27 person exclusively offers for sale products that are packaged,  
28 displayed, or advertised as appropriate for use by children.

29 (C) A discrete portion of a retail store, catalogue, or online  
30 Web site, in which a person offers for sale products that are

1 *packaged, displayed, or advertised as appropriate for use by*  
2 *children.*

3 (d) (1) *“Class 1 material” means any of the following*  
4 *materials:*

5 (A) *Stainless or surgical steel.*

6 (B) *Karat gold.*

7 (C) *Sterling silver.*

8 (D) *Platinum, palladium, iridium, ruthenium, rhodium, or*  
9 *osmium.*

10 (E) *Natural or cultured pearls.*

11 (F) *Glass, ceramic, or crystal decorative components,*  
12 *including cat’s eye, cubic zirconia, including cubic zirconium or*  
13 *CZ, rhinestones, and cloisonne.*

14 (G) *A gemstone that is cut and polished for ornamental*  
15 *purposes, except as provided in paragraph (2).*

16 (H) *Elastic, fabric, ribbon, rope, or string, unless it contains*  
17 *intentionally-added lead and is listed as a class 2 material.*

18 (I) *All natural decorative material, including amber, bone,*  
19 *coral, feathers, fur, horn, leather, shell, wood, that is in its*  
20 *natural state and is not treated in a way that adds lead.*

21 (J) *Adhesive.*

22 (2) *The following gemstones are not class 1 materials:*  
23 *aragonite, bayldonite, boleite, cerussite, crocoite, ekanite,*  
24 *linarite, mimetite, phosgenite, samarskite, vanadinite, and*  
25 *wulfenite.*

26 (e) *“Class 2 material” means any of the following materials:*

27 (1) *Electroplated metal that meets the following standards:*

28 (A) *On and before August 30, 2009, a metal alloy with less*  
29 *than 10 percent lead by weight that is electroplated with suitable*  
30 *under and finish coats.*

31 (B) *On and after August 31, 2009, a metal alloy with less than*  
32 *6 percent lead by weight that is electroplated with suitable under*  
33 *and finish coats.*

34 (2) *Unplated metal with less than 1.5 percent lead that is not*  
35 *otherwise listed as a class 1 material.*

36 (3) *Plastic or rubber, including acrylic, polystyrene, plastic*  
37 *beads and stones, and polyvinyl chloride (PVC) that meets the*  
38 *following standards:*

39 (A) *On and before August 30, 2009, less than 0.06 percent*  
40 *(600 parts per million) lead by weight.*

- 1 (B) *On and after August 31, 2009, less than 0.02 percent (200*  
2 *parts per million) lead by weight.*
- 3 (4) *A dye or surface coating containing less than 0.06 percent*  
4 *(600 parts per million) lead by weight.*
- 5 (f) *“Class 3 material” means any portion of jewelry that meets*  
6 *both of the following criteria:*
- 7 (1) *Is not a class 1 or class 2 material.*
- 8 (2) *Contains less than 0.06 percent (600 parts per million)*  
9 *lead by weight.*
- 10 (g) *“Component” means any part of jewelry.*
- 11 (h) *“EPA reference methods 3050B (Acid Digestion of*  
12 *Sediments, sludges and soils) or 3051 (Microwave Assisted*  
13 *Digestion/ Sludge, Soils)” means those test methods*  
14 *incorporated by reference in paragraph (11) of subdivision (a) of*  
15 *Section 260.11 of Title 40 of the Code of Federal Regulations.*
- 16 (i) *“Jewelry” means any of the following:*
- 17 (1) *Any of the following ornaments worn by a person:*
- 18 (A) *An anklet.*
- 19 (B) *Arm cuff.*
- 20 (C) *Bracelet.*
- 21 (D) *Brooch.*
- 22 (E) *Chain.*
- 23 (F) *Crown.*
- 24 (G) *Cuff link.*
- 25 (H) *Decorated hair accessories.*
- 26 (I) *Earring.*
- 27 (J) *Necklace.*
- 28 (K) *Pin.*
- 29 (L) *Ring.*
- 30 (M) *Body piercing jewelry.*
- 31 (2) *Any bead, chain, link, pendant, or other component of an*  
32 *ornament specified in paragraph (1).*
- 33 (j) (1) *“Surface coating” means a fluid, semifluid, or other*  
34 *material, with or without a suspension of finely divided coloring*  
35 *matter, that changes to a solid film when a thin layer is applied*  
36 *to a metal, wood, stone, paper, leather, cloth, plastic, or other*  
37 *surface.*
- 38 (2) *“Surface coating” does not include a printing ink or a*  
39 *material that actually becomes a part of the substrate, including,*  
40 *but not limited to, pigment in a plastic article, or a material that*

1 *is actually bonded to the substrate, such as by electroplating or*  
2 *ceramic glazing.*

3 25214.2. (a) *On and after March 1, 2008, a person shall not*  
4 *manufacture, ship, sell, or offer for sale jewelry for retail sale in*  
5 *the state unless the jewelry is made entirely from a class 1, class*  
6 *2, or class 3 material, or any combination thereof.*

7 (b) *Notwithstanding subdivision (a), on and after September 1,*  
8 *2007, a person shall not manufacture, ship, sell, or offer for sale*  
9 *children's jewelry for retail sale in the state unless the children's*  
10 *jewelry is made entirely from one or more of the following*  
11 *materials:*

12 (1) *A nonmetallic material that is a class 1 material.*

13 (2) *A nonmetallic material that is class 2 material.*

14 (3) *A metallic material that is either a class 1 material or*  
15 *contains less than 0.06 percent (600 parts per million) lead by*  
16 *weight.*

17 (4) *Glass or crystal decorative components that weigh in total*  
18 *no more than one gram, excluding any glass or crystal*  
19 *decorative component that contains less than 0.02 percent (200*  
20 *parts per million) lead by weight and has no intentionally added*  
21 *lead.*

22 (5) *Printing ink or ceramic glaze that contains less than 0.06*  
23 *percent (600 parts per million) lead by weight.*

24 (6) *Class 3 material that contains less than 0.02 percent (200*  
25 *parts per million) lead by weight.*

26 (c) *Notwithstanding subdivision (a), on and after March 1,*  
27 *2008, a person shall not manufacture, ship, sell, or offer for sale*  
28 *body piercing jewelry for retail sale in the state unless the body*  
29 *piercing jewelry is made of one or more of the following*  
30 *materials:*

31 (1) *Surgical implant stainless steel.*

32 (2) *Surgical implant grade of titanium.*

33 (3) *Niobium (Nb).*

34 (4) *Solid 14 karat or higher white or yellow nickel-free gold.*

35 (5) *Solid platinum.*

36 (6) *A dense low porosity plastic, including, but not limited to,*  
37 *Tygon or Polytetrafluoroethylene (PTFE), if the plastic contains*  
38 *no intentionally added lead.*

39 25214.3. (a) *Notwithstanding this chapter, a person who*  
40 *violates this article shall not be subject to any criminal penalties*

1 *imposed pursuant to this chapter and shall only be subject to the*  
2 *civil penalty specified in subdivision (b).*

3 *(b) (1) A person who violates this article shall be liable for a*  
4 *civil penalty not to exceed two thousand five hundred dollars*  
5 *(\$2,500) per day for each violation. That civil penalty may be*  
6 *assessed and recovered in a civil action brought in any court of*  
7 *competent jurisdiction.*

8 *(2) In assessing the amount of a civil penalty for a violation of*  
9 *this article, the court shall consider all of the following:*

10 *(A) The nature and extent of the violation.*

11 *(B) The number of, and severity of, the violations.*

12 *(C) The economic effect of the penalty on the violator.*

13 *(D) Whether the violator took good faith measures to comply*  
14 *with this article and the time these measures were taken.*

15 *(E) The willfulness of the violator's misconduct.*

16 *(F) The deterrent effect that the imposition of the penalty*  
17 *would have on both the violator and the regulated community as*  
18 *a whole.*

19 *(G) Any other factor that justice may require.*

20 *(c) All civil penalties collected pursuant to this article shall be*  
21 *deposited in the Safe Drinking Waste and Toxic Enforcement*  
22 *Fund, created pursuant to Section 25249.12, for expenditure by*  
23 *the department, upon appropriation by the Legislature, to*  
24 *implement and enforce this article.*

25 *25214.4. The testing methods for determining compliance*  
26 *with this article shall be conducted using the EPA reference*  
27 *methods 3050B or 3051 for the material being tested, except as*  
28 *otherwise provided in Sections 24214.4.1 and 25214.4.2, and in*  
29 *accordance with all of the following procedures:*

30 *(a) When preparing a sample, the laboratory shall make every*  
31 *effort to assure that the sample removed from a jewelry piece is*  
32 *representative of the component to be tested, and is free of*  
33 *contamination from extraneous dirt and material not related to*  
34 *the jewelry component to be tested.*

35 *(b) All jewelry component samples shall be washed prior to*  
36 *testing using standard laboratory detergent, rinsed with*  
37 *laboratory reagent grade deionized water, and dried in a clean*  
38 *ambient environment.*

39 *(c) If a component is required to be cut or scraped to obtain a*  
40 *sample, the metal snips, scissors, or other cutting tools used for*

1 *the cutting or scraping shall be made of stainless steel and*  
2 *washed and rinsed before each use and between samples.*

3 *(d) Except for glass, ceramic, and crystal in children's*  
4 *jewelry, a sample shall be digested in a container that is known*  
5 *to be free of lead and with the use of an acid that is not*  
6 *contaminated by lead, including analytical reagent grade*  
7 *digestion acids and reagent grade deionized water.*

8 *(f) Method blanks, consisting of all reagents used in sample*  
9 *preparation handled, digested, and made to volume in the same*  
10 *exact manner and in the same container type as samples, shall be*  
11 *tested with each group of 20 or fewer samples tested.*

12 *(g) The results for the method blanks shall be reported with*  
13 *each group of sample results, and shall be below the stated*  
14 *reporting limit for sample results to be considered valid.*

15 *25214.4.1. In addition to the requirements of Section*  
16 *25214.4, the following procedures shall be used for testing the*  
17 *following materials:*

18 *(a) For testing a metal plated with suitable undercoats and*  
19 *finish coats, the following protocols shall be observed:*

20 *(1) Digestion shall be conducted using hot concentrated nitric*  
21 *acid with the option of using hydrochloric acid or hydrogen*  
22 *peroxide.*

23 *(2) The sample size shall be 0.050 gram to one gram.*

24 *(3) The digested sample may require dilution prior to analysis.*

25 *(4) The digestion and analysis shall achieve a reported*  
26 *detection limit no greater than 0.1 percent for samples.*

27 *(5) All necessary dilutions shall be made to assure that*  
28 *measurements are made within the calibrated range of the*  
29 *analytical instrument.*

30 *(b) For testing unplated metal and metal substrates that is not*  
31 *a class 1 material the following protocols shall be observed:*

32 *(1) Digestion shall be conducted using hot concentrated nitric*  
33 *acid with the option of using hydrochloric acid and hydrogen*  
34 *peroxide.*

35 *(2) The sample size shall be 0.050 gram to one gram.*

36 *(3) The digested sample may require dilution prior to analysis.*

37 *(4) The digestion and analysis shall achieve a reported*  
38 *detection limit no greater than 0.01 percent for samples.*

1 (5) All necessary dilutions shall be made to assure that  
2 measurements are made within the calibrated range of the  
3 analytical instrument.

4 (c) For testing polyvinyl chloride (PVC), the following  
5 protocols shall be observed:

6 (1) The digestion shall be conducted using hot concentrated  
7 nitric acid with the option of using hydrochloric acid and  
8 hydrogen peroxide.

9 (2) The sample size shall be a minimum of 0.05 gram if using  
10 microwave digestion or 0.5 gram if using hot plate digestion, and  
11 shall be chopped or comminuted prior to digestion.

12 (3) Digested samples may require dilution prior to analysis.

13 (4) Digestion and analysis shall achieve a reported detection  
14 limit no greater than 0.001 percent (10 parts per million) for  
15 samples.

16 (5) All necessary dilutions shall be made to assure that  
17 measurements are made within the calibrated range of the  
18 analytical instrument.

19 (d) For testing plastic or rubber that is not polyvinyl chloride  
20 (PVC), including acrylic, polystyrene, plastic beads, or plastic  
21 stones, the following protocols shall be observed:

22 (1) The digestion shall be conducted using hot concentrated  
23 nitric acid with the option of using hydrochloric acid or  
24 hydrogen peroxide.

25 (2) The sample size shall be a minimum of 0.05 grams if using  
26 microwave digestion or 0.5 gram if using hot plate digestion, and  
27 shall be chopped or comminuted prior to digestion.

28 (3) Plastic beads or stones shall be crushed prior to digestion.

29 (4) Digested samples may require dilution prior to analysis.

30 (5) Digestion and analysis shall achieve a reported detection  
31 limit no greater than 0.001 percent (10 parts per million) for  
32 samples.

33 (6) All necessary dilutions shall be made to assure that  
34 measurements are made within the calibrated range of the  
35 analytical instrument.

36 (e) For testing coatings on glass and plastic pearls, the  
37 following protocols shall be observed:

38 (1) The coating of glass or plastic beads shall be scraped onto  
39 a surface free of dust, including a clean weighing paper or pan,  
40 using a clean stainless steel razor blade or other clean sharp

1 instrument that will not contaminate the sample with lead. The  
2 substrate pearl material shall not be included in the scrapings.

3 (2) The razor blade or sharp instrument shall be rinsed with  
4 deionized water, wiped to remove particulate matter, rinsed  
5 again, and dried between samples.

6 (3) The scrapings shall be weighed and not less than 50  
7 micrograms of scraped coating shall be used for analysis. If less  
8 than 50 micrograms of scraped coating is obtained from an  
9 individual pearl, multiple pearls from that sample shall be  
10 scraped and composited to obtain a sufficient sample amount.

11 (4) The number of pearls used to make the composite shall be  
12 noted.

13 (5) The scrapings shall be digested according to EPA  
14 reference method 3050B or 3051 or an equivalent procedure for  
15 hot acid digestion in preparation for trace lead analysis.

16 (6) The digestate shall be diluted in the minimum volume  
17 practical for analysis.

18 (7) The digested sample shall be analyzed according to  
19 specification of an approved and validated methodology for  
20 inductively-coupled plasma mass spectrometry.

21 (8) A reporting limit of 0.001 percent (10 parts per million) in  
22 the coating shall be obtained for the analysis.

23 (9) The sample result shall be reported within the calibrated  
24 range of the instrument. If the initial test of the sample is above  
25 the highest calibration standard, the sample shall be diluted and  
26 reanalyzed within the calibrated range of the instrument.

27 (f) For testing dyes, paints, coatings, varnish, printing inks,  
28 ceramic glazes, glass, or crystal, the following testing protocols  
29 shall be observed:

30 (1) The digestion shall use hot concentrated nitric acid with  
31 the option of using hydrochloric acid or hydrogen peroxide.

32 (2) The sample size shall be not less than 0.050 gram, and  
33 shall be chopped or comminuted prior to digestion.

34 (3) The digested sample may require dilution prior to analysis.

35 (4) The digestion and analysis shall achieve a reported  
36 detection limit no greater than 0.001 percent (10 parts per  
37 million) for samples.

38 (5) All necessary dilutions shall be made to assure that  
39 measurements are made within the calibrated range of the  
40 analytical instrument.

1 (g) For testing glass and crystal used in children’s jewelry, the  
2 following testing protocols for determining weight shall be used:

3 (1) A component shall be free of any extraneous material,  
4 including adhesive, before it is weighed.

5 (2) The scale used to weigh a component shall be calibrated  
6 immediately before the components are weighed using S-class  
7 weights of one and two grams, as certified by the National  
8 Institute of Standards and Technology (NIST) of the Department  
9 of Commerce.

10 (3) The calibration of the scale shall be accurate to within  
11 0.01 gram.

12 25214.4.2. The Office of Environmental Health Hazard  
13 Assessment may adopt regulations that modify the testing  
14 protocols specified in Sections 25214.4 and 25214.4.1, as it  
15 deems necessary to further the purposes of this article.

16 SECTION 1. ~~Article 10.2.2 (commencing with Section~~  
17 ~~25214.8.5) is added to Chapter 6.5 of Division 20 of the Health~~  
18 ~~and Safety Code, to read:~~

19

20 Article 10.2.2. ~~Lead-Containing Jewelry~~

21

22 ~~25214.8.5. The Legislature finds and declares all of the~~  
23 ~~following:~~

24 ~~(a) Lead is neurotoxic. Acute lead toxicity can cause seizures,~~  
25 ~~coma, and even death. Chronic lead toxicity is associated with~~  
26 ~~attention deficit problems, learning disabilities, mental~~  
27 ~~retardation, and antisocial and delinquent behaviors. Even very~~  
28 ~~low dose exposures of lead have been linked to intellectual~~  
29 ~~impairment.~~

30 ~~(b) Lead is particularly hazardous to children. Lead in young~~  
31 ~~children, even at minute levels, causes brain function~~  
32 ~~impairment. Current studies indicate that no level of lead~~  
33 ~~exposure is safe for a developing child.~~

34 ~~(c) Lead enters the body when a person breathes or swallows~~  
35 ~~lead objects, dust, fumes, or mist. Lead is absorbed into the~~  
36 ~~bloodstream and distributed throughout the body. The lead that is~~  
37 ~~not excreted right away is stored in soft tissue and bone.~~  
38 ~~Eventually, 90 percent or more of the lead body burden is~~  
39 ~~accumulated in the bones and may stay there for years.~~

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

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

5 ~~(f) High concentrations of lead have been consistently found~~  
6 ~~in jewelry, particularly inexpensive jewelry that is marketed to~~  
7 ~~children.~~

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

19 ~~(h) From September 2003 to July 2004, the Consumer Product~~  
20 ~~Safety Commission oversaw three recalls of nearly 150 million~~  
21 ~~pieces of toy jewelry because those jewelry pieces contained~~  
22 ~~toxic levels of lead. Then, again in December 2004, January~~  
23 ~~2005, and March 2005, the commission recalled an additional 3~~  
24 ~~million pieces of lead-containing jewelry.~~

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

28 ~~25214.8.6. (a) For purposes of this article, “jewelry” means~~  
29 ~~(1) an ornament worn by a person on the body or on clothing,~~  
30 ~~including, but not limited to, a necklace, bracelet, anklet, earring,~~  
31 ~~locket, pendant, charm bracelet, ring, pinky ring, chain, broach,~~  
32 ~~pin, lapel pin, headband, watchband, or (2) any pendant, bead,~~  
33 ~~chain, link, or other component of such an ornament.~~

34 ~~(b) On and after July 1, 2007, a person shall not advertise, sell,~~  
35 ~~offer to sell, distribute for promotional purposes in this state, or~~  
36 ~~import into the state, metal jewelry, or any metal component of~~  
37 ~~jewelry that contains more than 600 parts per million total lead,~~  
38 ~~as determined by the “Screening Test for Total Pb Analysis,”~~  
39 ~~contained in the Consumer Product Safety Commission’s~~

1 ~~“Interim Enforcement Policy for Children’s Metal Jewelry~~  
2 ~~Containing Lead,” which became effective on February 3, 2005.~~

3 ~~(e) On and after January 1, 2007, a person shall not advertise,~~  
4 ~~sell, offer to sell, distribute for promotional purposes in this state,~~  
5 ~~or import into the state, nonmetal jewelry or any nonmetal~~  
6 ~~component of jewelry, except leaded crystal jewelry or any~~  
7 ~~leaded crystal component of jewelry, that contains more than 200~~  
8 ~~parts per million total lead, as determined by “The Screening~~  
9 ~~Test for Total Pb Analysis” in the Consumer Product Safety~~  
10 ~~Commission’s “Interim Enforcement Policy for Children’s Metal~~  
11 ~~Jewelry Containing Lead,” that became effective on February 3,~~  
12 ~~2005.~~

13 ~~(d) On and after January 1, 2007, a person shall not advertise,~~  
14 ~~sell, offer to sell, or distribute for promotional purposes in this~~  
15 ~~state, or import into this state, leaded crystal jewelry or any~~  
16 ~~leaded crystal component of jewelry that yields more than 90~~  
17 ~~micrograms of accessible lead when subjected to the Acid~~  
18 ~~Extraction Test, as identified by the Consumer Product Safety~~  
19 ~~Commission’s policy known as, “Interim Enforcement Policy for~~  
20 ~~Children’s Metal Jewelry Containing Lead,” that became~~  
21 ~~effective on February 3, 2005.~~

22 ~~SEC. 2. No reimbursement is required by this act pursuant to~~  
23 ~~Section 6 of Article XIII B of the California Constitution because~~  
24 ~~the only costs that may be incurred by a local agency or school~~  
25 ~~district will be incurred because this act creates a new crime or~~  
26 ~~infraction, eliminates a crime or infraction, or changes the~~  
27 ~~penalty for a crime or infraction, within the meaning of Section~~  
28 ~~17556 of the Government Code, or changes the definition of a~~  
29 ~~crime within the meaning of Section 6 of Article XIII B of the~~  
30 ~~California Constitution.~~