

ASSEMBLY BILL

No. 2694

Introduced by Assembly Member Ma
(Coauthor: Assembly Member Huffman)
(Coauthor: Senator Florez)

February 22, 2008

An act to add Article 2.5 (commencing with Section 108590) to Chapter 5 of Part 3 of Division 104 of the Health and Safety Code, relating to product safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 2694, as introduced, Ma. Children's product safety: lead poisoning prevention.

Existing law prohibits a person from manufacturing, selling, or exchanging, having in his or her possession with intent to sell or exchange, or expose or offer for sale or exchange to any retailer, any toy that, among other things, is coated with paints or lacquers containing compounds of lead of which the lead content is in excess of prescribed federal standards for lead, or soluble compounds of antimony, arsenic, cadmium, mercury, selenium, or barium, as specified. Existing law makes a violation of that prohibition a misdemeanor.

This bill would, in addition, prohibit a person, firm, or corporation from manufacturing, selling, or exchanging, having in his or her possession with intent to sell or exchange, or expose or offer for sale or exchange to any retailer, any children's product, as defined, that contains a lead-bearing substance, as defined. The bill would also prohibit a person, firm, or corporation from manufacturing, selling, or exchanging, possessing with intent to sell or exchange, or exposing or offering for sale to any retailer, any fixture or other object advertised

or intended to be used, installed, or located in or upon any surface of a dwelling, as defined, or child day care facility, as defined, that contains a lead-bearing substance that in the ordinary course of use, is accessible to or chewable by children 12 years of age or younger.

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

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

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) There are no safe blood levels of lead in children, and
4 children poisoned by lead suffer from learning disabilities, attention
5 deficits, and behavioral problems.

6 (b) Most children who suffer from lead poisoning are poisoned
7 in their own home.

8 (c) Legislation needs to be enacted that will ensure that children
9 in California are protected from exposure to unsafe levels of lead
10 in children’s products.

11 SEC. 2. Article 2.5 (commencing with Section 108590) is
12 added to Chapter 5 of Part 3 of Division 104 of the Health and
13 Safety Code, to read:

14
15 Article 2.5. Lead Poisoning Prevention in Children’s Products
16

17 108590. (a) (1) For purposes of this article, “children’s
18 product” means any article of clothing, accessory, decorative
19 object, edible item, candy, food, dietary supplement, toy, or item
20 of furniture used by, or intended for use by, children 12 years of
21 age or younger. “Children’s product” also includes any product
22 that is contained in packaging that displays or advertises that the
23 use of the product is appropriate for children 12 years of age or
24 younger, and any product commonly recognized by consumers as
25 intended for use by a child 12 years of age or younger.

26 (2) Notwithstanding paragraph (1), “body piercing jewelry,” as
27 defined in subdivision (b) of Section 25214.1, and “children’s
28 jewelry,” as defined in subdivision (d) of Section 25214.1, shall
29 not be included in the definitions of “children’s product” for
30 purposes of this article.

1 (b) “Dwelling” means any structure all or part of which is
2 designed or used for human habitation.

3 (c) “Lead-bearing substance” means any substance that is
4 contained in, or coated on, an item, if the substance has a lead
5 content of more than 40 parts per million (ppm) lead by total weight
6 or any paint or other surface coating material containing more than
7 four-tenths of 1 percent (0.4%) lead by total weight, calculated as
8 lead metal, in the total nonvolatile content of liquid paint.

9 108590.1. (a) No person, firm, or corporation shall
10 manufacture, sell, or exchange, possess with intent to sell or
11 exchange, or expose or offer for sale or exchange to any retailer,
12 any children’s product that contains a lead-bearing substance.

13 (b) No person, firm, or corporation shall manufacture, sell, or
14 exchange, possess with intent to sell or exchange, or expose or
15 offer for sale to any retailer, any fixture or other object advertised
16 or intended to be used, installed, or located in or upon any surface
17 of a dwelling, or child day care facility, as defined in Section
18 1596.70, that contains a lead-bearing substance and that, in the
19 ordinary course of use, is accessible to or chewable by children
20 twelve years of age or younger.

21 108590.2. The prohibitions contained in this article are in
22 addition to those contained in Section 108555 or any other
23 provision of law.