



Rep. Naomi D. Jakobsson

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LRB097 07224 RPM 56121 a

1 AMENDMENT TO SENATE BILL 1943

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1943, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Lead Poisoning Prevention Act is amended by  
6 changing Section 6 as follows:

7 (410 ILCS 45/6) (from Ch. 111 1/2, par. 1306)

8 Sec. 6. Warning statement.

9 (a) Definitions. As used in this Section:

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

14 "Children's jewelry" means jewelry that is made for,  
15 marketed for use by, or marketed to children under the age of  
16 12 and includes jewelry that meets any of the following

1 conditions:

2 (1) represented in its packaging, display, or  
3 advertising as appropriate for use by children under the  
4 age of 12;

5 (2) sold in conjunction with, attached to, or packaged  
6 together with other products that are packaged, displayed,  
7 or advertised as appropriate for use by children under 12;

8 (3) sized for children and not intended for use by  
9 adults; or

10 (4) sold in any of the following places: a vending  
11 machine; a retail store, catalogue, or online Web site in  
12 which a person exclusively offers for sale products that  
13 are packaged, displayed, or advertised as appropriate for  
14 use by children; or a discrete portion of a retail store,  
15 catalogue, or online Web site in which a person offers for  
16 sale products that are packaged, displayed or advertised as  
17 appropriate for use by children.

18 "Child care article" means an item that is designed or  
19 intended by the manufacturer to facilitate the sleep,  
20 relaxation, or feeding of children under the age of 6 or to  
21 help with children under the age of 6 who are sucking or  
22 teething. An item meets this definition if it is (i) designed  
23 or intended to be used directly in the mouth by the child or  
24 (ii) is used to facilitate sleep, relaxation, or feeding of  
25 children under the age of 6 or help with children under the age  
26 of 6 who are sucking or teething and, because of its proximity

1 to the child, is likely to be mouthed, chewed, sucked, or  
2 licked.

3 "Jewelry" means any of the following ornaments worn by a  
4 person:

5 (A) Ankle bracelet.

6 (B) Arm cuff.

7 (C) Bracelet.

8 (D) Brooch.

9 (E) Chain.

10 (F) Crown.

11 (G) Cuff link.

12 (H) Hair accessory.

13 (I) Earring.

14 (J) Necklace.

15 (K) Decorative pin.

16 (L) Ring.

17 (M) Body piercing jewelry.

18 (N) Jewelry placed in the mouth for display or  
19 ornament.

20 (O) Any charm, bead, chain, link, pendant, or other  
21 component of the items listed in this definition.

22 (P) A charm, bead, chain, link, pendant, or other  
23 attachment to shoes or clothing that can be removed and may  
24 be used as a component of an item listed in this  
25 definition.

26 (Q) A watch in which a timepiece is a component of an

1 item listed in this definition, excluding the timepiece  
2 itself if the timepiece can be removed from the ornament.

3 "Toy containing paint" means a ~~painted~~ toy with an  
4 accessible component containing any external coating,  
5 including, but not limited to, paint, ink, lacquer, or screen  
6 printing, designed for or intended for use by children under  
7 the age of 12 at play. For the purposes of this Section, "toy"  
8 is any object designed, manufactured, or marketed as a  
9 plaything for children under the age of 12 and is excluded from  
10 the definitions of "child care article" and "jewelry". In  
11 determining whether a toy containing paint is designed for or  
12 intended for use by children under the age of 12, the following  
13 factors shall be considered:

14 (i) a statement by a manufacturer about the intended  
15 use of the product, including a label on the product, if  
16 such statement is reasonable;

17 (ii) whether the product is represented in its  
18 packaging, display, promotion, or advertising as  
19 appropriate for children under the age of 12; and

20 (iii) whether the product is commonly recognized by  
21 consumers as being intended for use by a child under the  
22 age of 12.

23 (b) Children's products. Effective January 1, 2010, no  
24 person, firm, or corporation shall sell, have, offer for sale,  
25 or transfer the items listed in this Section that contain a  
26 total lead content in any component part of the item that is

1 more than 0.004% (40 parts per million) but less than 0.06%  
2 (600 parts per million) by total weight or a lower standard for  
3 lead content as may be established by federal or State law or  
4 regulation unless that item bears a warning statement that  
5 indicates that at least one component part of the item contains  
6 lead.

7 The warning statement for items covered under this  
8 subsection (b) shall contain at least the following: "WARNING:  
9 MAY CONTAIN LEAD. MAY BE HARMFUL IF EATEN OR CHEWED. COMPLIES  
10 WITH FEDERAL STANDARDS." ~~"WARNING: CONTAINS LEAD. MAY BE~~  
11 ~~HARMFUL IF EATEN OR CHEWED. MAY GENERATE DUST CONTAINING LEAD."~~

12 An entity is in compliance with this subsection (b) if the  
13 warning statement is provided on the children's product or on  
14 the label on the immediate container of the children's product.  
15 This subsection (b) does not apply to any product for which  
16 federal law governs warning in a manner that preempts State  
17 authority.

18 The warning statement required under this subsection (b) is  
19 not required if the component parts of the item containing lead  
20 are inaccessible to a child through normal and reasonably  
21 foreseeable use and abuse as defined by the United States  
22 Consumer Product Safety Commission.

23 The warning statement required under this subsection (b) is  
24 not required if the component parts in question are exempt from  
25 third-party testing as determined by the United States Consumer  
26 Product Safety Commission.

1 (c) Other lead bearing substance. No person, firm, or  
2 corporation shall have, offer for sale, sell, or give away any  
3 lead bearing substance that may be used by the general public,  
4 except as otherwise provided in subsection (b) of this Section,  
5 unless it bears the warning statement as prescribed by federal  
6 regulation. (i) If no regulation is prescribed the warning  
7 statement shall be as follows when the lead bearing substance  
8 is a lead-based paint or surface coating: "WARNING--CONTAINS  
9 LEAD. MAY BE HARMFUL IF EATEN OR CHEWED. See Other Cautions on  
10 (Side or Back) Panel. Do not apply on toys, or other children's  
11 articles, furniture, or interior, or exterior exposed surfaces  
12 of any residential building or facility that may be occupied or  
13 used by children. KEEP OUT OF THE REACH OF CHILDREN.". (ii) If  
14 no regulation is prescribed the warning statement shall be as  
15 follows when the lead bearing substance contains lead-based  
16 paint or a form of lead other than lead-based paint: "WARNING  
17 CONTAINS LEAD. MAY BE HARMFUL IF EATEN OR CHEWED. MAY GENERATE  
18 DUST CONTAINING LEAD. KEEP OUT OF THE REACH OF CHILDREN.".

19 For the purposes of this subsection (c), the generic term  
20 of a product, such as "paint" may be substituted for the word  
21 "substance" in the above labeling.

22 (d) The warning statements on items covered in subsections  
23 (a), (b), and (c) of this Section shall be in accordance with,  
24 or substantially similar to, the following:

25 (1) the statement shall be located in a prominent place  
26 on the item or package such that consumers are likely to

1 see the statement when it is examined under retail  
2 conditions;

3 (2) the statement shall be conspicuous and not obscured  
4 by other written matter;

5 (3) the statement shall be legible; and

6 (4) the statement shall contrast with the typography,  
7 layout and color of the other printed matter.

8 Compliance with 16 C.F.R. 1500.121 adopted under the  
9 Federal Hazardous Substances Act constitutes compliance with  
10 this subsection (d).

11 (e) The manufacturer or importer of record shall be  
12 responsible for compliance with this Section.

13 (f) Subsection (c) of this Section does not apply to any  
14 component part of a consumer electronic product, including, but  
15 not limited to, personal computers, audio and video equipment,  
16 calculators, wireless phones, game consoles, and handheld  
17 devices incorporating a video screen used to access interactive  
18 software and their associated peripherals, that is not  
19 accessible to a child through normal and reasonably foreseeable  
20 use of the product. A component part is not accessible under  
21 this subsection (f) if the component part is not physically  
22 exposed by reason of a sealed covering or casing and does not  
23 become physically exposed through reasonably foreseeable use  
24 and abuse of the product. Paint, coatings, and electroplating,  
25 singularly or in any combination, are not sufficient to  
26 constitute a sealed covering or casing for purposes of this

1 Section. Coatings and electroplating are sufficient to  
2 constitute a sealed covering for connectors, power cords, USB  
3 cables, or other similar devices or components used in consumer  
4 electronics products.

5 (Source: P.A. 94-879, eff. 6-20-06; 95-1019, eff. 6-1-09.)".