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LRB097 07224 AMC 55546 a

1 AMENDMENT TO SENATE BILL 1943

2 AMENDMENT NO. _____. Amend Senate Bill 1943 by replacing
3 everything after the enacting clause with the following:

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

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

7 Sec. 6. Warning statement.

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

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

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

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

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

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

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

1 chewed, sucked, or licked.

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

4 (A) Ankle bracelet.

5 (B) Arm cuff.

6 (C) Bracelet.

7 (D) Brooch.

8 (E) Chain.

9 (F) Crown.

10 (G) Cuff link.

11 (H) Hair accessory.

12 (I) Earring.

13 (J) Necklace.

14 (K) Decorative pin.

15 (L) Ring.

16 (M) Body piercing jewelry.

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

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

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

25 (Q) A watch in which a timepiece is a component of an
26 item listed in this definition, excluding the timepiece

1 itself if the timepiece can be removed from the ornament.

2 "Toy containing paint" means a ~~painted~~ toy with an
3 accessible component containing any external coating,
4 including, but not limited to, paint, ink, lacquer, or screen
5 printing, designed for or intended for use by children under
6 the age of 12 at play. In determining whether a toy containing
7 paint is designed for or intended for use by children under the
8 age of 12, the following factors shall be considered:

9 (i) a statement by a manufacturer about the intended
10 use of the product, including a label on the product, if
11 such statement is reasonable;

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

15 (iii) whether the product is commonly recognized by
16 consumers as being intended for use by a child under the
17 age of 12.

18 (b) Children's products. Effective January 1, 2010, no
19 person, firm, or corporation shall sell, have, offer for sale,
20 or transfer the items listed in this Section that contain a
21 total lead content in any component part of the item that is
22 more than 0.004% (40 parts per million) but less than 0.06%
23 (600 parts per million) by total weight or a lower standard for
24 lead content as may be established by federal or State law or
25 regulation unless that item bears a warning statement that
26 indicates that at least one component part of the item contains

1 lead.

2 The warning statement for items covered under this
3 subsection (b) shall contain at least the following: "WARNING:
4 MAY CONTAIN LEAD. MAY BE HARMFUL IF EATEN OR CHEWED.".
5 ~~"WARNING: CONTAINS LEAD. MAY BE HARMFUL IF EATEN OR CHEWED. MAY~~
6 ~~GENERATE DUST CONTAINING LEAD."~~

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

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

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

22 (c) Other lead bearing substance. No person, firm, or
23 corporation shall have, offer for sale, sell, or give away any
24 lead bearing substance that may be used by the general public,
25 except as otherwise provided in subsection (b) of this Section,
26 unless it bears the warning statement as prescribed by federal

1 regulation. (i) If no regulation is prescribed the warning
2 statement shall be as follows when the lead bearing substance
3 is a lead-based paint or surface coating: "WARNING--CONTAINS
4 LEAD. MAY BE HARMFUL IF EATEN OR CHEWED. See Other Cautions on
5 (Side or Back) Panel. Do not apply on toys, or other children's
6 articles, furniture, or interior, or exterior exposed surfaces
7 of any residential building or facility that may be occupied or
8 used by children. KEEP OUT OF THE REACH OF CHILDREN.". (ii) If
9 no regulation is prescribed the warning statement shall be as
10 follows when the lead bearing substance contains lead-based
11 paint or a form of lead other than lead-based paint: "WARNING:
12 MAY CONTAIN LEAD. MAY BE HARMFUL IF EATEN OR CHEWED." ~~"WARNING~~
13 ~~CONTAINS LEAD. MAY BE HARMFUL IF EATEN OR CHEWED. MAY GENERATE~~
14 ~~DUST CONTAINING LEAD. KEEP OUT OF THE REACH OF CHILDREN."~~.

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

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

21 (1) the statement shall be located in a prominent place
22 on the item or package such that consumers are likely to
23 see the statement when it is examined under retail
24 conditions;

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

1 (3) the statement shall be legible; and

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

4 Compliance with 16 C.F.R. 1500.121 adopted under the
5 Federal Hazardous Substances Act constitutes compliance with
6 this subsection (d).

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

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

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