

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S.** \_\_\_\_\_

To prohibit the manufacture, sale, or distribution in commerce of children’s jewelry containing cadmium, barium, or antimony, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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Mr. SCHUMER introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To prohibit the manufacture, sale, or distribution in commerce of children’s jewelry containing cadmium, barium, or antimony, and for other purposes.

1        *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4        This Act may be cited as the “Safe Kids’ Jewelry  
5 Act”.

6 **SEC. 2. DEFINITIONS.**

7        In this Act:

8            (1) **ANTIMONY.**—The term “antimony” means  
9        elemental antimony (Sb) and any compounds or al-  
10        loys which contain antimony.



1 motion, or advertising as appropriate for  
2 children 12 years of age or younger.

3 (iv) Whether the product is commonly  
4 recognized by consumers as being intended  
5 for use by children 12 years of age or  
6 younger.

7 (v) The Age Determination Guide-  
8 lines: Relating Children's Ages to Toy  
9 Characteristics and Play Behavior, issued  
10 by the Commission in September 2002,  
11 and any modifications to such Guidelines.

12 (5) COMMISSION.—The term “Commission”  
13 means the Consumer Product Safety Commission.

14 (6) SOLD OR DISTRIBUTED AT RETAIL.—The  
15 term “sold or distributed at retail” means sold or  
16 distributed to a consumer, but does not include sell-  
17 ing activity that is intermittent.

18 **SEC. 3. BAN ON CERTAIN PRODUCTS CONTAINING CAD-**  
19 **MIUM, BARIUM OR ANTIMONY.**

20 (a) TREATMENT AS BANNED HAZARDOUS SUB-  
21 STANCE.—Any children's jewelry that is composed in  
22 whole or in part of cadmium, barium, or antimony shall  
23 be treated as a banned hazardous substance under the  
24 Federal Hazardous Substances Act (15 U.S.C. 1261 et  
25 seq.).

1           (b) TREATMENT AS A REGULATION UNDER THE  
2 FEDERAL HAZARDOUS SUBSTANCES ACT.—The ban im-  
3 posed under subsection (a) shall be treated as regulations  
4 of the Commission promulgated under or for the enforce-  
5 ment of section 2(q) of the Federal Hazardous Substances  
6 Act (15 U.S.C. 1261(q)).

7           (c) REGULATIONS.—The Commission may prescribe  
8 regulations to carry out the provisions of this Act.

9 **SEC. 4. ENFORCEMENT.**

10          (a) PENALTIES.—

11               (1) IN GENERAL.—Any failure of a person sub-  
12 ject to a requirement of section 3 to comply with  
13 such requirement shall be treated as a violation of  
14 section 4 of the Federal Hazardous Substances Act  
15 (15 U.S.C. 1263) and subject to the penalties set  
16 forth in section 5 of such Act (15 U.S.C. 1264).

17          (b) REPORTS.—

18               (1) IN GENERAL.—Not later than 1 year after  
19 the date of the enactment of this Act, and annually  
20 thereafter, the Commission shall submit to Congress  
21 a report on the actions taken by the Commission to  
22 enforce the provisions of this Act, including a sum-  
23 mary of the criminal and civil penalties imposed  
24 under subsection (a).

1           (2) HEAVY METALS.—Not later than 1 year  
2           after the date of the enactment of this Act, the  
3           Commission shall submit a report to Congress re-  
4           garding heavy metals which should be banned from  
5           children’s products.

6 **SEC. 5. EFFECT ON FEDERAL AND STATE LAW.**

7           (a) IN GENERAL.—Nothing in this Act or section  
8           18(b)(1)(B) of the Federal Hazardous Substances Act (15  
9           U.S.C. 1261 note) shall affect the authority of any State  
10          or political subdivision of a State to establish or continue  
11          in effect a provision of the law of a State or political sub-  
12          division of a State relating to regulation of products con-  
13          taining cadmium, barium, or antimony, except to the ex-  
14          tent that compliance with both State and Federal law is  
15          impossible. Nothing in this section shall be construed to  
16          modify or affect any enforcement action or liability of any  
17          person under the law of any State.

18          (b) PRESERVATION OF CERTAIN STATE LAW.—Noth-  
19          ing in this Act shall be construed to preempt or otherwise  
20          affect any warning requirement relating to consumer prod-  
21          ucts or substances that is established pursuant to State  
22          law that was in effect on August 31, 2003.

23 **SEC. 6. EFFECTIVE DATE.**

24          This Act shall take effect on the date of the enact-  
25          ment of this Act and shall apply with respect to children’s

- 1 jewelry manufactured on or after the date that is 90 days
- 2 after such date of enactment.