



440880

LEGISLATIVE ACTION

Senate	.	House
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Senator Justice moved the following:

Senate Amendment (with title amendment)

Delete lines 12 - 41
and insert:

Section 1. Cadmium in children's products; limitations on use of cadmium; exceptions; criminal penalties.-

(1) As used in this section, the term:

(a) "Accessible" has the same meaning as given in section 3.1.2 of the ASTM International Safety Specification of Toy Safety, F-963 and subsequent versions of this standard.

(b) "Child" means an individual who is 7 years of age or younger, unless otherwise specified.



440880

14 (c) "Child care article" means a product that is intended
15 to be placed in a child's mouth that is designed or intended by
16 the manufacturer to facilitate the sleep, relaxation, or feeding
17 of a child or to help a child with sucking or teething.

18 (d) "Children's jewelry" means jewelry that is made for,
19 marketed, for use by, or sold to a child

20 (e) "Consumer" means an actual or prospective purchaser,
21 lessee, or recipient of consumer goods or services.

22 (f) "Person" has the same meaning as provided in s. 1.01,
23 Florida Statutes.

24 (g) "Toy" means a product designed, manufactured, or
25 marketed as a plaything for a child.

26 (2) A person may not use or apply cadmium in excess of 75
27 parts per million on any surface coating or accessible substrate
28 material on any item of children's jewelry, toy, or child care
29 article, as determined through solubility testing for heavy
30 metals defined in the ASTM International Safety Specification on
31 Toy Safety, ASTM standard F-963, if the product is sold in this
32 state, unless this requirement is superseded by a federal
33 standard regulating cadmium in such product. This section does
34 not apply to the sale of a collectible toy that is not marketed
35 to or intended to be used for play by a child younger than 14
36 years of age.

37 (3) A person, not an individual consumer, who willfully and
38 intentionally violates subsection (2), commits a felony of the
39 third degree, punishable as provided in s. 775.082, s. 775.083,
40 or s. 775.084, Florida Statutes.

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42 ===== T I T L E A M E N D M E N T =====



440880

43 And the title is amended as follows:

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45 Delete lines 3 - 7

46 and insert:

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48 defining terms; prohibiting a person from using or
49 applying cadmium in excess of a specified amount on
50 any item of children's jewelry, toy, or child care
51 article sold in this state; providing an exception;
52 providing for a criminal penalty; providing an