



245516

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
04/07/2010	.	
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The Committee on Commerce (Justice) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
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) "Child" means an individual who is 7 years of age or  
younger, unless otherwise specified.

(b) "Child care article" means a product designed or  
intended by the manufacturer to facilitate the sleep,  
relaxation, or feeding of a child or to help a child with  
sucking or teething.



245516

14           (c) "Children's jewelry" means jewelry that is made for,  
15 marketed for use by, or sold to a child.

16           (d) "Consumer" means an actual or prospective purchaser,  
17 lessee, or recipient of consumer goods or services.

18           (e) "Person" has the same meaning as provided in s. 1.01,  
19 Florida Statutes.

20           (f) "Toy" means an article designed and made for the  
21 amusement of a child and for the child's use during play.

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

31           (3) If a person, who is not an individual consumer,  
32 knowingly and intentionally violates subsection (2), that person  
33 commits a felony of the third degree, punishable as provided in  
34 s. 775.082, s. 775.083, or s. 775.084, Florida Statutes.

35           Section 2. This act shall take effect July 1, 2010.

36  
37 ===== T I T L E   A M E N D M E N T =====

38 And the title is amended as follows:

39           Delete everything before the enacting clause  
40 and insert:

41                               A bill to be entitled  
42           An act relating to cadmium in children's products;



245516

43 defining terms; prohibiting a person from using or  
44 applying cadmium in excess of a specified amount on  
45 any item of children's jewelry, toy, or child care  
46 article sold in this state; providing an exception;  
47 providing for a criminal penalty; providing an  
48 effective date.