

1 AN ACT concerning public health.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

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:

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

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

23 (3) sized for children and not intended for use by

1 adults; or

2 (4) sold in any of the following places: a vending
3 machine; a retail store, catalogue, or online Web site in
4 which a person exclusively offers for sale products that
5 are packaged, displayed, or advertised as appropriate for
6 use by children; or a discrete portion of a retail store,
7 catalogue, or online Web site in which a person offers for
8 sale products that are packaged, displayed or advertised as
9 appropriate for use by children.

10 "Child care article" means an item that is designed or
11 intended by the manufacturer to facilitate the sleep,
12 relaxation, or feeding of children under the age of 6 or to
13 help with children under the age of 6 who are sucking or
14 teething. An item meets this definition if it is (i) designed
15 or intended to be used directly in the mouth by the child or
16 (ii) is used to facilitate sleep, relaxation, or feeding of
17 children under the age of 6 or help with children under the age
18 of 6 who are sucking or teething and, because of its proximity
19 to the child, is likely to be mouthed, chewed, sucked, or
20 licked.

21 "Jewelry" means any of the following ornaments worn by a
22 person:

23 (A) Ankle bracelet.

24 (B) Arm cuff.

25 (C) Bracelet.

26 (D) Brooch.

1 (E) Chain.

2 (F) Crown.

3 (G) Cuff link.

4 (H) Hair accessory.

5 (I) Earring.

6 (J) Necklace.

7 (K) Decorative pin.

8 (L) Ring.

9 (M) Body piercing jewelry.

10 (N) Jewelry placed in the mouth for display or
11 ornament.

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

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

18 (Q) A watch in which a timepiece is a component of an
19 item listed in this definition, excluding the timepiece
20 itself if the timepiece can be removed from the ornament.

21 "Toy containing paint" means a ~~painted~~ toy with an
22 accessible component containing any external coating,
23 including, but not limited to, paint, ink, lacquer, or screen
24 printing, designed for or intended for use by children under
25 the age of 12 at play. For the purposes of this Section, "toy"
26 is any object designed, manufactured, or marketed as a

1 plaything for children under the age of 12 and is excluded from
2 the definitions of "child care article" and "jewelry". In
3 determining whether a toy containing paint is designed for or
4 intended for use by children under the age of 12, the following
5 factors shall be considered:

6 (i) a statement by a manufacturer about the intended
7 use of the product, including a label on the product, if
8 such statement is reasonable;

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

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

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

25 The warning statement for items covered under this
26 subsection (b) shall contain at least the following: "WARNING:

1 CONTAINS LEAD. MAY BE HARMFUL IF EATEN OR CHEWED. COMPLIES WITH
2 FEDERAL STANDARDS." ~~"WARNING: CONTAINS LEAD. MAY BE HARMFUL IF~~
3 ~~EATEN OR CHEWED. MAY GENERATE DUST CONTAINING LEAD."~~

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

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

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

19 (c) Other lead bearing substance. No person, firm, or
20 corporation shall have, offer for sale, sell, or give away any
21 lead bearing substance that may be used by the general public,
22 except as otherwise provided in subsection (b) of this Section,
23 unless it bears the warning statement as prescribed by federal
24 regulation. (i) If no regulation is prescribed the warning
25 statement shall be as follows when the lead bearing substance
26 is a lead-based paint or surface coating: "WARNING--CONTAINS

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

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

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

17 (1) the statement shall be located in a prominent place
18 on the item or package such that consumers are likely to
19 see the statement when it is examined under retail
20 conditions;

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

23 (3) the statement shall be legible; and

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

26 Compliance with 16 C.F.R. 1500.121 adopted under the

1 Federal Hazardous Substances Act constitutes compliance with
2 this subsection (d).

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

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

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