

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 492

H.P. 385

House of Representatives, February 10, 2011

An Act To Ensure That Children's Products Are Free of Cadmium

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative HINCK of Portland.
Cosponsored by Senator BLISS of Cumberland and
Representatives: BERRY of Bowdoinham, DOW of Waldoboro, EBERLE of South Portland,
GOODE of Bangor, WALSH INNES of Yarmouth, MALONEY of Augusta, Senators:
ALFOND of Cumberland, BARTLETT of Cumberland.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 22 MRSA c. 167** is enacted to read:

3 **CHAPTER 167**

4 **CADMIUM CONTROL**

5 **§791. Restrictions on children's products containing cadmium**

6 **1. Definitions.** As used in this chapter, unless the context otherwise indicates, the
7 following terms have the following meanings.

8 A. "Cadmium" means elemental cadmium and any compound or alloy that contains
9 cadmium.

10 B. "Children" means persons under 12 years of age.

11 C. "Children's product" means a consumer product, including any component of the
12 consumer product, designed or intended primarily for use on or by children, including
13 but not limited to:

14 (1) Children's products as defined in section 1316-A, subsection 1, paragraph E;

15 (2) Children's clothing;

16 (3) Accessories, decorative objects, backpacks, car seats, furniture and other
17 articles used by or intended to be used by children;

18 (4) Candy, food, dietary supplements and other edible or chewable products used
19 by or intended to be used by children; and

20 (5) Any item sold for residential or commercial use, including any component
21 parts and packaging, but not including a food or beverage or additive to a food or
22 beverage, a tobacco product, a pesticide regulated by the United States
23 Environmental Protection Agency or a drug or biologic regulated by the United
24 States Department of Health and Human Services, Food and Drug Administration
25 or the packaging of a drug or biologic if the packaging is regulated by the United
26 States Department of Health and Human Services, Food and Drug
27 Administration.

28 **2. Restriction.** Beginning July 1, 2013, a person may not manufacture, sell,
29 distribute or offer for sale or distribution a children's product that contains cadmium at
30 more than .004% by weight.

31 **3. Alternatives.** A person who manufactures a children's product, when substituting
32 substances in the manufacturing process to come into compliance with subsection 2, must
33 use the least toxic alternative substance. In replacing cadmium in the children's product
34 with the least toxic alternative substance, a person may not:

35 A. Use a substance containing a carcinogen rated by or a substance listed by the
36 United States Environmental Protection Agency as a known or likely carcinogen, a
37 known human carcinogen or a likely or suspected human carcinogen; or

