

State of Illinois Passes New Lead and Mercury Prohibitions

On December 23, 2008, Illinois Governor Rod Blagojevich signed into law Senate Bill 2860, now Public Act 095-1019, which amends the state's Lead Poisoning Prevention Act and Mercury-added Product Prohibition Act.

The amendments set forth the following:

- Effective January 1, 2010, it is unlawful to sell, have, offer for sale or transfer children's jewelry, child care articles or toys containing paint if any component part of these items has more than 40 parts per million (ppm) (but less than 600 ppm, the state's existing lead limit) total lead content, unless the item bears a warning statement that indicates that at least one component part of the item contains lead. The warning statement must appear on the product itself or on the label of the product's immediate container and must include at least the following: "WARNING: CONTAINS LEAD. MAY BE HARMFUL IF EATEN OR CHEWED. MAY GENERATE DUST CONTAINING LEAD."
- Effective June 1, 2009, it is unlawful to distribute or sell any cosmetics, toiletries, or fragrances containing mercury. Any person in the state manufacturing cosmetics, toiletries, or fragrances containing mercury must disclose the level of mercury in the product.

Definitions:

"Children's jewelry" means jewelry that is made for, marketed for use by, or marketed to children under the age of 12 and includes jewelry that meets any of the following conditions:

- (1) Represented in its packaging, display, or advertising as appropriate for use by children under the age of 12;
- (2) Sold in conjunction with, attached to, or packaged together with other products that are packaged, displayed, or advertised as appropriate for use by children under 12;
- (3) Sized for children and not intended for use by adults; or
- (4) Sold in any of the following places: a vending machine; a retail store, catalogue, or online Web site in which a person exclusively offers for sale products that are packaged, displayed, or advertised as appropriate for use by children; or a discrete portion of a retail store, catalogue, or online Web site in which a person offers for sale products that are packaged, displayed or advertised as appropriate for use by children.

"Child care article" means an item that is designed or intended by the manufacturer to facilitate the sleep, relaxation, or feeding of children under the age of 6 or to help with children under the age of 6 who are sucking or teething.

"Toy containing paint" means a painted toy designed for or intended for use by children under the age of 12 at play. In determining whether a toy containing paint is designed for or intended for use by children under the age of 12, the following factors shall be considered:

- (i) A statement by a manufacturer about the intended use of the product, including a label on the product, if such statement is reasonable;
- (ii) Whether the product is represented in its packaging, display, promotion, or advertising as appropriate for children under the age of 12; and
- (iii) Whether the product is commonly recognized by consumers as being intended for use by a child under the age of 12.

[Full Text of Illinois Public Act 095-1019 \(SB 2860\)](#)

STR offers analytical expertise in the testing of jewelry and packaging for lead and other heavy metals. Our hazard prevention program includes comprehensive design evaluation, safety testing, audit, certification and responsible sourcing services to help ensure that clients have the highest level of confidence in the quality, safety and social standards of their products and systems. For more information regarding STR global services, please contact us at info@STRQuality.com.