

By: Representative Evans (91st)

To: Public Health and Human Services; Judiciary A

HOUSE BILL NO. 144

1 AN ACT TO BAN PHTHALATES AND CERTAIN OTHER INGREDIENTS FROM  
2 CHILDREN'S PRODUCTS; AND FOR RELATED PURPOSES.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

4 **SECTION 1.** (1) Beginning July 1, 2014, no manufacturer,  
5 wholesaler or retailer may manufacture, knowingly sell, offer for  
6 sale, distribute for sale or distribute for use in this state a  
7 children's product or product component containing the following:

8 (a) Except as provided in subsection (2) of this  
9 section, lead at more than .009 percent by weight (ninety (90)  
10 parts per million);

11 (b) Cadmium at more than .004 percent by weight (forty  
12 (40) parts per million); or

13 (c) Phthalates, individually or in combination, at more  
14 than 0.10 percent by weight (one thousand (1,000) parts per  
15 million).

16 (2) If determined feasible for manufacturers to achieve and  
17 necessary to protect children's health, the Department of  
18 Environmental Quality, in consultation with the Department of



19 Health, may by rule require that no manufacturer, wholesaler or  
20 retailer may manufacture, knowingly sell, offer for sale,  
21 distribute for sale or distribute for use in this state a  
22 children's product or product component containing lead at more  
23 than .004 percent by weight (forty (40) parts per million).

24 (3) For the purposes of this section:

25 (a) "Children's product" includes any of the following:

26 (i) Toys;

27 (ii) Children's cosmetics;

28 (iii) Children's jewelry;

29 (iv) A product designed or intended by the  
30 manufacturer to help a child with sucking or teething, to  
31 facilitate sleep, relaxation, or the feeding of a child, or to be  
32 worn as clothing by children; or

33 (v) Child car seats.

34 (b) "Children's product" does not include the  
35 following:

36 (i) Batteries;

37 (ii) Slings and catapults;

38 (iii) Sets of darts with metallic points;

39 (iv) Toy steam engines;

40 (v) Bicycles and tricycles;

41 (vi) Video toys that can be connected to a video  
42 screen and are operated at a nominal voltage exceeding twenty-four  
43 (24) volts;



44 (vii) Chemistry sets;

45 (viii) Consumer electronic products including, but  
46 not limited to, personal computers, audio and video equipment,  
47 calculators, wireless phones, game consoles and handheld devices  
48 incorporating a video screen used to access interactive software  
49 and their associated peripherals;

50 (ix) Interactive software, intended for leisure  
51 and entertainment, such as computer games and their storage media  
52 such as compact disks;

53 (x) BB guns, pellet guns and air rifles;

54 (xi) Snow sporting equipment, including skis,  
55 poles, boots, snowboards, sleds and bindings;

56 (xii) Sporting equipment including, but not  
57 limited to, bats, balls, gloves, sticks, pucks and pads;

58 (xiii) Roller skates;

59 (xiv) Scooters;

60 (xv) Model rockets;

61 (xvi) Athletic shoes with cleats or spikes; and

62 (xvii) Pocket knives and multitools.

63 (c) "Children's cosmetics" means cosmetics that are  
64 made for, marketed for use by or marketed to children under the  
65 age of twelve (12). "Children's cosmetics" includes cosmetics  
66 that meet any of the following conditions:

67 (i) Represented in its packaging, display or  
68 advertising as appropriate for use by children;



69 (ii) Sold in conjunction with, attached to or  
70 packaged together with other products that are packaged, displayed  
71 or advertised as appropriate for use by children; or

72 (iii) Sold in any of the following:

73 1. Retail store, catalogue or online website,  
74 in which a person exclusively offers for sale products that are  
75 packaged, displayed or advertised as appropriate for use by  
76 children; or

77 2. A discrete portion of a retail store,  
78 catalogue or online website, in which a person offers for sale  
79 products that are packaged, displayed or advertised as appropriate  
80 for use by children.

81 (d) "Children's jewelry" means jewelry that is made  
82 for, marketed for use by or marketed to children under the age of  
83 twelve (12). "Children's jewelry" includes jewelry that meets any  
84 of the following conditions:

85 (i) Represented in its packaging, display, or  
86 advertising as appropriate for use by children under the age of  
87 twelve (12);

88 (ii) Sold in conjunction with, attached to, or  
89 packaged together with other products that are packaged, displayed  
90 or advertised as appropriate for use by children;

91 (iii) Sized for children and not intended for use  
92 by adults; or

93 (iv) Sold in any of the following:



- 94                   1. A vending machine;
- 95                   2. Retail store, catalogue or online website
- 96 in which a person exclusively offers for sale products that are
- 97 packaged, displayed or advertised as appropriate for use by
- 98 children; or
- 99                   3. A discrete portion of a retail store,
- 100 catalogue, or online website in which a person offers for sale
- 101 products that are packaged, displayed or advertised as appropriate
- 102 for use by children.

103           **SECTION 2.** This act shall take effect and be in force from

104 and after July 1, 2014.

