

HOUSE BILL No. 4766

April 2, 2009, Introduced by Reps. Segal, Nerat, Geiss, Haase, Slavens, Warren, Scripps, Liss, Kennedy, Valentine, Leland, Byrnes, Meadows and McDowell and referred to the Committee on Great Lakes and Environment.

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding section 5495.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 5495. (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION,
2 ON OR BEFORE THE EXPIRATION OF 180 DAYS AFTER A CHEMICAL OF HIGHEST
3 CONCERN IS IDENTIFIED UNDER SECTION 5494, A MANUFACTURER OR
4 DISTRIBUTOR OF A CHILDREN'S PRODUCT FOR SALE IN THIS STATE THAT
5 CONTAINS A CHEMICAL OF HIGHEST CONCERN SHALL SUBMIT A WRITTEN
6 STATEMENT TO THE DEPARTMENT. THE MANUFACTURER OR DISTRIBUTOR SHALL
7 INCLUDE ALL OF THE FOLLOWING IN THE WRITTEN STATEMENT REQUIRED
8 UNDER THIS SUBSECTION:
9 (A) IDENTIFICATION OF THE CHILDREN'S PRODUCT.

1 (B) THE NUMBER OF UNITS OF THE CHILDREN'S PRODUCT SOLD OR
2 DISTRIBUTED FOR SALE IN THIS STATE OR NATIONALLY.

3 (C) THE CHEMICALS OF HIGHEST CONCERN CONTAINED IN THE
4 CHILDREN'S PRODUCT.

5 (D) THE AMOUNT OF EACH CHEMICAL OF HIGHEST CONCERN IN EACH
6 UNIT OF THE CHILDREN'S PRODUCT.

7 (E) THE INTENDED PURPOSE OF EACH CHEMICAL OF HIGHEST CONCERN
8 CONTAINED IN THE CHILDREN'S PRODUCT.

9 (2) THE FOLLOWING ARE EXEMPT FROM THE WRITTEN STATEMENT
10 REQUIREMENT OF SUBSECTION (1):

11 (A) A RETAILER.

12 (B) A MANUFACTURER THAT PRODUCES AND SELLS ITS PRODUCT AT
13 RETAIL IN THIS STATE IN SMALL QUANTITIES, AS DEFINED BY THE
14 DEPARTMENT.

15 (C) USES OF CHEMICALS OF CONCERN FOR INDUSTRIAL OR
16 MANUFACTURING PURPOSES.

17 (D) MOTOR VEHICLES OR THEIR COMPONENT PARTS, EXCEPT THAT THE
18 USE OF CHEMICALS OF CONCERN IN DETACHABLE CAR SEATS IS NOT EXEMPT.

19 (E) CHEMICALS OF CONCERN GENERATED SOLELY AS COMBUSTION BY-
20 PRODUCTS OR THAT ARE PRESENT IN COMBUSTIBLE FUELS.

21 (3) THE DEPARTMENT MAY EXTEND THE DEADLINE FOR SUBMISSION OF
22 THE WRITTEN STATEMENT UNDER SUBSECTION (1) FOR 1 OR MORE SPECIFIED
23 USES OF A CHEMICAL OF HIGHEST CONCERN IN A CHILDREN'S PRODUCT IF
24 THE DEPARTMENTS DETERMINE THAT MORE TIME IS NEEDED BY THE
25 MANUFACTURER OR DISTRIBUTOR TO COMPLY.

26 (4) NOT LATER THAN JANUARY 1, 2011 AND ANNUALLY THEREAFTER, A
27 MANUFACTURER SHALL REPORT TO THE DEPARTMENT WHETHER SCREENING

1 INFORMATION DATA SET OR EQUIVALENT INFORMATION EXISTS FOR ADDED
2 CHEMICAL INGREDIENTS IN A CHILDREN'S PRODUCT THE MANUFACTURER HAS
3 SOLD IN THIS STATE.

4 (5) ON OR BEFORE THE EXPIRATION OF 30 DAYS AFTER RECEIPT OF
5 INFORMATION IN A WRITTEN STATEMENT OR REPORT UNDER THIS SECTION,
6 THE DEPARTMENT SHALL PUBLICLY POST THE INFORMATION IN AN ELECTRONIC
7 FORMAT AND IN A CONSUMER-FRIENDLY FORM.

8 Enacting section 1. This amendatory act does not take effect
9 unless all of the following bills of the 95th Legislature are
10 enacted into law:

11 (a) Senate Bill No.____ or House Bill No. 4763(request no.
12 02617'09).

13 (b) Senate Bill No.____ or House Bill No. 4764(request no.
14 02688'09).

15 (c) Senate Bill No.____ or House Bill No. 4765(request no.
16 02689'09).

17 (d) Senate Bill No.____ or House Bill No. 4767(request no.
18 02691'09).

19 (e) Senate Bill No.____ or House Bill No. 4768(request no.
20 02692'09).

21 (f) Senate Bill No.____ or House Bill No. 4769(request no.
22 02693'09).