

HOUSE BILL No. 6193

September 30, 1992, Introduced by Reps. DeBeaussiaert, Dolan, Jonker and Gire and referred to the Committee on Consumers.

A bill to amend the title and section 2603 of Act No. 368 of the Public Acts of 1978, entitled as amended "Public health code," being section 333.2603 of the Michigan Compiled Laws; and to add sections 2606 and 2620.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title and section 2603 of Act No. 368 of the
2 Public Acts of 1978, being section 333.2603 of the Michigan
3 Compiled Laws, are amended and sections 2606 and 2620 are added
4 to read as follows:

5 TITLE

6 An act to protect and promote the public health; to codify,
7 revise, consolidate, classify, and add to the laws relating to
8 public health; to provide for the prevention and control of
9 diseases and disabilities; to provide for the classification,

1 administration, regulation, financing, and maintenance of
2 personal, environmental, and other health services and activi-
3 ties; to create or continue, and prescribe the powers and duties
4 of, departments, boards, commissions, councils, committees, task
5 forces, ~~and~~ other agencies, AND CERTAIN PERSONS; to prescribe
6 the powers and duties of governmental entities and officials; to
7 regulate occupations, facilities, and agencies affecting the
8 public health; to regulate health maintenance organizations and
9 certain third party administrators and insurers; to promote the
10 efficient and economical delivery of health care services, to
11 provide for the appropriate utilization of health care facilities
12 and services, and to provide for the closure of hospitals or con-
13 solidation of hospitals or services; to provide for the collec-
14 tion and use of data and information; to provide for the transfer
15 of property; to provide certain immunity from liability; to regu-
16 late and prohibit the sale and offering for sale of drug para-
17 phernalia under certain circumstances; to provide for penalties
18 and remedies; to repeal certain acts and parts of acts; to repeal
19 certain parts of this act; and to repeal certain parts of this
20 act on specific dates.

21 Sec. 2603. (1) "ART MATERIAL OR ART MATERIAL PRODUCT" MEANS
22 THAT TERM AS DEFINED IN THE FEDERAL HAZARDOUS SUBSTANCES ACT.

23 (2) ~~(1)~~ "Data" means items of information made or received
24 by the department which pertain to a condition, status, act, or
25 omission, existing independently of the memory of an individual,
26 whether the information is retrievable by manual or other means

1 and whether or not coded. It includes the normal and computer
2 art meanings of the word data.

3 (3) ~~(2)~~ "Data system" means an interrelated grouping of
4 data for use by the department.

5 (4) "FEDERAL HAZARDOUS SUBSTANCES ACT" MEANS SECTION 23 OF
6 THE FEDERAL HAZARDOUS SUBSTANCES ACT, PUBLIC LAW 86-613, 15
7 U.S.C. 1277.

8 SEC. 2606. "NONHAZARDOUS PRODUCT" MEANS AN ART MATERIAL OR
9 ART MATERIAL PRODUCT THAT DOES NOT PRODUCE CHRONIC OR ACUTE
10 ADVERSE HEALTH EFFECTS AS DESCRIBED IN THE FEDERAL HAZARDOUS SUB-
11 STANCES ACT AND APPLICABLE FEDERAL REGULATIONS; AND THAT HAS ON
12 ITS LABEL A CONFORMANCE STATEMENT THAT IT MEETS THE LABELING
13 REQUIREMENTS OF THAT ACT. FOR PURPOSES OF THIS SUBDIVISION, IF
14 THE ART MATERIAL OR ART MATERIAL PRODUCT HAS A CONFORMANCE STATE-
15 MENT REQUIRED UNDER THE FEDERAL HAZARDOUS SUBSTANCES ACT AND
16 APPLICABLE FEDERAL REGULATIONS, THE CONFORMANCE STATEMENT COM-
17 PLIES WITH THE LABELING REQUIREMENTS OF THE FEDERAL HAZARDOUS
18 SUBSTANCES ACT.

19 SEC. 2620. (1) EACH PRODUCER OR REPACKAGER OF ART MATERIALS
20 OR ART MATERIAL PRODUCTS SHALL FILE WITH THE DEPARTMENT A LIST OF
21 ART MATERIALS OR ART MATERIAL PRODUCTS THAT REQUIRE A HAZARD
22 WARNING LABEL UNDER THE FEDERAL HAZARDOUS SUBSTANCES ACT AND THE
23 CRITERIA USED TO DETERMINE WHETHER AN ART MATERIAL OR ART MATE-
24 RIAL PRODUCT HAS THE POTENTIAL FOR PRODUCING CHRONIC ADVERSE
25 HEALTH EFFECTS. A PRODUCER OR REPACKAGER IN COMPLIANCE WITH THE
26 FEDERAL HAZARDOUS SUBSTANCES ACT MEETS THE REQUIREMENTS OF THIS
27 SECTION BY FILING WITH THE DEPARTMENT THE DOCUMENTS THEY HAVE

1 FILED WITH THE COMMISSION UNDER THAT ACT. HOWEVER, THE
2 DEPARTMENT MAY REQUIRE A PRODUCER OR REPACKAGER TO PROVIDE THE
3 DEPARTMENT WITH ADDITIONAL INFORMATION ABOUT CHRONIC OR ACUTE
4 HAZARDS POSED BY ART MATERIALS OR ART MATERIAL PRODUCTS.

5 (2) THE DEPARTMENT SHALL COMPILE AND MAINTAIN A LIST OF NON-
6 HAZARDOUS ART MATERIALS AND ART MATERIAL PRODUCTS. UPON RECEIPT
7 OF A PETITION FOR REMOVAL FROM ANY PERSON OR UPON ITS OWN MOTION,
8 THE DEPARTMENT SHALL REMOVE THE NAME OF AN ART MATERIAL OR ART
9 MATERIAL PRODUCT FROM THE LIST IF THE DEPARTMENT FINDS ANY OF THE
10 FOLLOWING:

11 (A) THE ART MATERIAL OR ART MATERIAL PRODUCT POSES AN ACUTE
12 OR CHRONIC HEALTH HAZARD TO PERSONS WHO USE OR MAY USE THE ART
13 MATERIAL PRODUCT.

14 (B) THE PRODUCER OR REPACKAGER OF THE ART MATERIAL OR ART
15 MATERIAL PRODUCT, OR THE ART MATERIAL OR ART MATERIAL PRODUCT
16 ITSELF, DOES NOT COMPLY WITH THE FEDERAL HAZARDOUS SUBSTANCES
17 ACT.

18 (C) THE ART MATERIAL OR ART MATERIAL PRODUCT DOES NOT HAVE
19 ON ITS LABEL A CONFORMANCE STATEMENT INDICATING THAT IT COMPLIES
20 WITH THE LABELING REQUIREMENTS OF THE FEDERAL HAZARDOUS SUB-
21 STANCES ACT AND THE REGULATIONS PROMULGATED UNDER THE ACT.

22 (3) NOT LATER THAN APRIL 1 OF EACH YEAR, THE DEPARTMENT
23 SHALL TRANSMIT THE LIST OF NONHAZARDOUS ART MATERIALS AND ART
24 MATERIAL PRODUCTS COMPILED UNDER SUBSECTION (2) TO THE DEPARTMENT
25 OF EDUCATION FOR ITS DISPERSAL TO K TO 12 SCHOOLS IN THIS STATE,
26 TO THE DEPARTMENT OF SOCIAL SERVICES FOR ITS DISPERSAL TO CHILD

1 CARE ORGANIZATIONS IN THIS STATE, AND TO THE CORPORATION AND
2 SECURITIES BUREAU WITHIN THE DEPARTMENT OF COMMERCE.

3 (4) A PRODUCER OR REPACKAGER OF ART MATERIALS OR ART MATE-
4 RIAL PRODUCTS WHO VIOLATES SUBSECTION (1) IS LIABLE FOR AN ADMIN-
5 ISTRATIVE FINE OF NOT MORE THAN \$25,000.00 PER VIOLATION.

6 (5) A CIVIL FINE RECOVERED UNDER THIS SECTION SHALL BE
7 TRANSMITTED TO THE STATE TREASURER FOR DEPOSIT IN THE GENERAL
8 FUND OF THE STATE.