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Senate Bill 738 (Substitute S-1 as reported)
Sponsor: Senator Bev Hammerstrom
Committee: Families, Mental Health and Human Services

CONTENT

The bill would create the "Children's Product Safety Act" to make it a misdemeanor for a commercial user to remanufacture, retrofit, sell, contract to sell or resell, lease, sublet, or otherwise place an unsafe children's product in the stream of commerce on or after January 1, 2001; allow unsafe children's products to be retrofitted under certain conditions; require the Department of Consumer and Industry Services (DCIS) to maintain and make available to the public and child care facilities a comprehensive list of children's products that met the bill's criteria for being unsafe; and prohibit a child care facility from using or having on the premises, on or after July 1, 2001, an unsafe children's product. The Attorney General or the prosecuting attorney in a county in which a violation of the bill occurred could bring an action to enforce the bill.

"Commercial user" would mean a person who dealt in children's products or who held himself or herself out as having knowledge or skill relating to children's products, or was in the business of remanufacturing, retrofitting, selling, leasing, subletting, or otherwise placing children's products in the stream of commerce. "Children's product" would mean a product that was designed or intended to come into contact with a child while the product was used, including a crib or bed, seat or chair, gate or other confining enclosure, play or activity equipment, carrier, stroller, walker, or infant swing. A product would not be a children's product either if it could be used by or for the care of a child under six years old, but was not designed or intended for use solely or primarily for use by a child or for the care of a child, or if it were a medication, drug, or food or was intended to be ingested. "Child care facility" would mean a child care center, child care organization, or child caring institution. "Child" would mean a person under 18 years old.

A children's product would be considered if 1) it did not conform to all Federal laws and regulations setting forth standards for the product; 2) it had been recalled for any reason by a Federal agency or the product's manufacturer, distributor, or importer; the recall had not been rescinded; and the product had been listed by the Consumer Product Safety Commission; and/or 3) a Federal agency had issued a warning that a specific children's product's intended use constituted a safety hazard and the warning had not been rescinded.

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bill would have no fiscal impact on the Department of Consumer and Industry Services.

Date Completed: 5-8-00

Fiscal Analyst: M. Tyszkiewicz

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Analysis available @ <http://www.michiganlegislature.org>

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.