

**SENATE BILL NO. 738**

September 23, 1999, Introduced by Senators HAMMERSTROM, SHUGARS, MC COTTER, A. SMITH, BULLARD, ROGERS, BYRUM, GOSCHKA and JAYE and referred to the Committee on Families, Mental Health and Human Services.

A bill to amend 1973 PA 116, entitled

"An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts,"

(MCL 722.111 to 722.128) by adding section 3e.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1        SEC. 3E. (1) THE DEPARTMENT SHALL ESTABLISH, MAINTAIN, AND  
2 PERIODICALLY UPDATE A COMPREHENSIVE LIST OF CHILDREN'S PRODUCTS  
3 THAT HAVE BEEN RECALLED BY AN AGENCY OF THE FEDERAL GOVERNMENT OR  
4 THE PRODUCTS' MANUFACTURER, DISTRIBUTOR, OR IMPORTER.

5        (2) THE DEPARTMENT SHALL PROVIDE A COPY OF THE LIST ESTAB-  
6 LISHED IN SUBSECTION (1) TO ALL OF THE FOLLOWING:

7        (A) A CHILD CARE ORGANIZATION LICENSED OR REGISTERED IN THIS  
8 STATE.



1 (B) A PERSON RECEIVING A SUBSIDY FROM THE FAMILY  
2 INDEPENDENCE AGENCY CHILD CARE FUNDS.

3 (C) ANY OTHER PERSON OR ENTITY THE DEPARTMENT CONSIDERS  
4 APPROPRIATE.

5 (3) AS USED IN THIS SECTION, "CHILDREN'S PRODUCT" MEANS A  
6 PRODUCT, INCLUDING, BUT NOT LIMITED TO, A FULL-SIZE CRIB,  
7 NON-FULL-SIZE CRIB, TODDLER BED, BED, CAR SEAT, CHAIR, HIGH  
8 CHAIR, BOOSTER CHAIR, HOOK-ON CHAIR, BATH SEAT, GATE OR OTHER  
9 ENCLOSURE FOR CONFINING A CHILD, PLAY YARD, STATIONARY ACTIVITY  
10 CENTER, CARRIER, STROLLER, WALKER, SWING, TOY, OR PLAY EQUIPMENT,  
11 THAT MEETS ALL OF THE FOLLOWING CRITERIA:

12 (A) THE PRODUCT IS DESIGNED OR INTENDED FOR THE CARE OF, OR  
13 USE BY, CHILDREN UNDER 6 YEARS OF AGE OR IS DESIGNED OR INTENDED  
14 FOR THE CARE OF, OR USE BY, BOTH CHILDREN UNDER 6 YEARS OF AGE  
15 AND CHILDREN 6 YEARS OF AGE OR OLDER.

16 (B) THE PRODUCT IS DESIGNED OR INTENDED TO COME INTO CONTACT  
17 WITH A CHILD WHILE THE PRODUCT IS USED. NOTWITHSTANDING ANY  
18 OTHER PROVISION OF THIS SECTION, A PRODUCT IS NOT A CHILDREN'S  
19 PRODUCT FOR PURPOSES OF THIS SECTION IF EITHER OF THE FOLLOWING  
20 APPLIES:

21 (i) IT MAY BE USED BY OR FOR THE CARE OF A CHILD UNDER 6  
22 YEARS OF AGE, BUT IT IS DESIGNED OR INTENDED FOR USE BY THE GEN-  
23 ERAL POPULATION OR SEGMENTS OF THE GENERAL POPULATION AND NOT  
24 SOLELY OR PRIMARILY FOR USE BY A CHILD OR FOR THE CARE OF A  
25 CHILD.

26 (ii) IT IS A MEDICATION, DRUG, OR FOOD OR IS INTENDED TO BE  
27 INGESTED.