



Senate Fiscal Agency  
P. O. Box 30036  
Lansing, Michigan 48909-7536



BILL ANALYSIS

Telephone: (517) 373-5383  
Fax: (517) 373-1986  
TDD: (517) 373-0543

House Bill 4132 (Substitute S-1 as reported)  
Sponsor: Representative Edward Gaffney, Jr.  
House Committee: Health Policy  
Senate Committee: Health Policy

## **CONTENT**

The bill would add Part 54B (Lead-Bearing Substances) to the Public Health Code to:

- Prohibit a person from using or applying a lead-bearing substance in or on any children's jewelry in Michigan.
- Prohibit a person from selling, offering for sale, or transferring in Michigan any children's jewelry that contained a lead-bearing substance.
- Require the Department of Community Health to post on its website information about the hazards of lead-bearing substances, as well as educational programs regarding lead-bearing hazards offered by the Department.

"Lead-bearing substance" would mean an item or substance that contains lead, or a coating on an item that contains lead, so that the lead content is more than 0.06% of the total weight. The term would not include glass or crystal decorative components.

A person who violated Part 54B and who was not an individual consumer would be subject to the following civil fines: for a first offense, up to \$100 per item not to exceed \$5,000 total; for a second offense, up to \$500 per item not to exceed \$25,000 total; and for a third or subsequent offense, up to \$1,000 per item not to exceed \$50,000 total. For a knowing violation, the fine would be three times the prescribed amount. A fine would have to be waived if the person acted in good faith to comply, pursued compliance with due diligence, and promptly corrected any noncompliance.

The bill would take effect 90 days after it was enacted. It is tie-barred to House Bills 4399 and 4936 and Senate Bill 174. Senate Bill 174 (S-2) would prohibit a person from using or applying a toxic substance (a substance or coating on an item containing more than 0.06% lead) in or on any toy or child care article in Michigan, and prohibit a person from selling, or transferring in Michigan any toy or child care article that contained a toxic substance. House Bill 4399 (S-2) would prohibit a person from selling or offering for sale or use in Michigan a lunch box that contained a lead-bearing substance. House Bill 4936 (S-2) would reinstate the Childhood Lead Poisoning Prevention and Control Commission.

Proposed MCL 333.5481-333.5486

Legislative Analyst: Julie Cassidy

## **FISCAL IMPACT**

The Department of Community Health would see a minor increase in cost associated with updating the website. Additional civil fine revenue would be deposited in the State's General Fund.

Date Completed: 11-8-07

Fiscal Analyst: David Fosdick  
Stephanie Yu