

SUBSTITUTE FOR
HOUSE BILL NO. 4132

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding part 54B.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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PART 54B. LEAD-BEARING SUBSTANCES

SEC. 5481. AS USED IN THIS PART:

(A) "CHILDREN" MEANS INDIVIDUALS WHO ARE 7 YEARS OLD OR
YOUNGER.

(B) "CONSUMER" MEANS THAT TERM AS USED IN THE CONSUMER PRODUCT
SAFETY ACT, 15 USC 2051 TO 2085.

(C) "CHILDREN'S JEWELRY" MEANS JEWELRY THAT IS MADE FOR,
MARKETED FOR USE BY, OR MARKETED TO CHILDREN, INCLUDING, BUT NOT

1 LIMITED TO, THE FOLLOWING:

2 (i) JEWELRY REPRESENTED IN ITS PACKAGING, DISPLAY, OR
3 ADVERTISING AS APPROPRIATE FOR USE BY CHILDREN.

4 (ii) JEWELRY SOLD IN CONJUNCTION WITH, ATTACHED TO, OR PACKAGED
5 TOGETHER WITH OTHER PRODUCTS THAT ARE PACKAGED, DISPLAYED, OR
6 ADVERTISED AS APPROPRIATE FOR USE BY CHILDREN.

7 (iii) JEWELRY SIZED FOR CHILDREN AND NOT INTENDED FOR USE BY
8 ADULTS.

9 (iv) JEWELRY SOLD IN A VENDING MACHINE.

10 (v) JEWELRY SOLD IN A RETAIL STORE, CATALOG, OR ONLINE WEBSITE
11 IN WHICH A PERSON EXCLUSIVELY OFFERS FOR SALE PRODUCTS THAT ARE
12 PACKAGED, DISPLAYED, OR ADVERTISED AS APPROPRIATE FOR USE BY
13 CHILDREN.

14 (vi) JEWELRY SOLD IN A DISCRETE PORTION OF A RETAIL STORE,
15 CATALOG, OR ONLINE WEBSITE IN WHICH A PERSON OFFERS FOR SALE
16 PRODUCTS THAT ARE PACKAGED, DISPLAYED, OR ADVERTISED AS APPROPRIATE
17 FOR USE BY CHILDREN.

18 (D) "LEAD-BEARING SUBSTANCE" MEANS AN ITEM OR SUBSTANCE THAT
19 CONTAINS LEAD, OR A COATING ON AN ITEM THAT CONTAINS LEAD, SO THAT
20 THE LEAD CONTENT IS MORE THAN 0.06% OF THE TOTAL WEIGHT. LEAD-
21 BEARING SUBSTANCE DOES NOT INCLUDE GLASS OR CRYSTAL DECORATIVE
22 COMPONENTS.

23 (E) "PERSON" MEANS AN INDIVIDUAL, PARTNERSHIP, CORPORATION,
24 ASSOCIATION, GOVERNMENTAL ENTITY, OR OTHER LEGAL ENTITY.

25 SEC. 5482. A PERSON SHALL NOT USE OR APPLY A LEAD-BEARING
26 SUBSTANCE IN OR ON ANY CHILDREN'S JEWELRY IN THIS STATE.

27 SEC. 5483. A PERSON SHALL NOT SELL, OFFER FOR SALE, OR

1 TRANSFER ANY CHILDREN'S JEWELRY IN THIS STATE THAT CONTAINS A LEAD-
2 BEARING SUBSTANCE.

3 SEC. 5484. THE DEPARTMENT SHALL POST ON ITS WEBSITE
4 INFORMATION ABOUT THE HAZARDS OF LEAD-BEARING SUBSTANCES AND ANY
5 PROGRAMS IT OFFERS DESIGNED TO EDUCATE INDIVIDUALS ABOUT THOSE
6 HAZARDS.

7 SEC. 5486. A PERSON WHO VIOLATES THIS PART IS SUBJECT TO THE
8 FOLLOWING:

9 (A) IF THE PERSON IS NOT AN INDIVIDUAL CONSUMER AND THE
10 VIOLATION IS THE PERSON'S FIRST OFFENSE UNDER THIS PART, A CIVIL
11 FINE OF NOT MORE THAN \$100.00 PER ITEM, NOT TO EXCEED \$5,000.00
12 TOTAL.

13 (B) IF THE PERSON IS NOT AN INDIVIDUAL CONSUMER AND THE
14 VIOLATION IS THE PERSON'S SECOND OFFENSE UNDER THIS PART, A CIVIL
15 FINE OF NOT MORE THAN \$500.00 PER ITEM, NOT TO EXCEED \$25,000.00
16 TOTAL.

17 (C) IF THE PERSON IS NOT AN INDIVIDUAL CONSUMER AND THE
18 VIOLATION IS THE PERSON'S THIRD OR SUBSEQUENT OFFENSE UNDER THIS
19 PART, A CIVIL FINE OF NOT MORE THAN \$1,000.00 PER ITEM, NOT TO
20 EXCEED \$50,000.00 TOTAL.

21 (D) IF A PERSON KNOWINGLY VIOLATES THIS PART AND THE PERSON IS
22 NOT AN INDIVIDUAL CONSUMER, A CIVIL FINE EQUAL TO 3 TIMES THE
23 AMOUNTS IN SUBDIVISION (C).

24 Enacting section 1. This amendatory act takes effect 90 days
25 after the date it is enacted.

26 Enacting section 2. This amendatory act does not take effect
27 unless all of the following bills of the 94th Legislature are

1 enacted into law:

2 (a) House Bill No. 4240.

3 (b) House Bill No. 4399.