

SUBSTITUTE FOR
HOUSE BILL NO. 4764

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 5491 (MCL 333.5491), as added by 2007 PA 159.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5491. As used in this part:

2 (A) "CHEMICAL" MEANS A SUBSTANCE WITH A DISTINCT MOLECULAR
3 COMPOSITION OR A GROUP OF STRUCTURALLY RELATED SUBSTANCES AND
4 INCLUDES THE BREAKDOWN PRODUCTS OF THE SUBSTANCE OR SUBSTANCES THAT
5 FORM THROUGH DECOMPOSITION, DEGRADATION, OR METABOLISM.

6 (B) "CHEMICAL OF CONCERN" MEANS A CHEMICAL THAT IS IDENTIFIED,
7 ON THE BASIS OF CREDIBLE SCIENTIFIC EVIDENCE, TO HAVE ANY OF THE
8 FOLLOWING CHARACTERISTICS:

9 (i) IS A CARCINOGEN, A REPRODUCTIVE OR DEVELOPMENTAL TOXICANT,
10 OR CAUSES REPRODUCTIVE OR DEVELOPMENTAL HARM OR OTHER SYSTEMIC

1 TOXICITY.

2 (ii) IS AN ENDOCRINE OR HORMONE DISRUPTOR.

3 (iii) IS PERSISTENT, BIOACCUMULATIVE, AND TOXIC.

4 (iv) IS VERY PERSISTENT AND VERY BIOACCUMULATIVE.

5 (C) "CHEMICAL OF HIGHEST CONCERN" MEANS A CHEMICAL OF CONCERN
6 THAT IS DESIGNATED A CHEMICAL OF HIGHEST CONCERN BY THE DEPARTMENT
7 UNDER SECTION 5494.

8 (D) ~~(a)~~-"Child care article" means a product designed or
9 intended by the manufacturer to facilitate the sleep, relaxation,
10 or feeding of children or to help children with sucking or
11 teething.

12 (E) ~~(b)~~-"Children" means individuals who are ~~7-12~~ years old or
13 younger.

14 (F) "CHILDREN'S PRODUCT" MEANS A CONSUMER PRODUCT INTENDED
15 PRIMARILY FOR USE BY CHILDREN, OR FOR THE CARE OF CHILDREN, SUCH AS
16 BABY PRODUCTS, CAR SEATS, PERSONAL CARE PRODUCTS, TOYS, AND
17 CLOTHING, OR ANY CONSUMER PRODUCT CONTAINING A CHEMICAL OF HIGHEST
18 CONCERN THAT WHEN USED OR DISPOSED OF WILL LIKELY RESULT IN A CHILD
19 OR A FETUS BEING EXPOSED TO THAT CHEMICAL.

20 (G) ~~(e)~~-"Consumer" means that term as used in the consumer
21 product safety act, 15 USC 2051 to ~~2085-2089~~.

22 (H) "CONSUMER PRODUCT" MEANS ANY ITEM SOLD FOR RESIDENTIAL OR
23 COMMERCIAL USE, INCLUDING ANY COMPONENT PARTS AND PACKAGING.
24 CONSUMER PRODUCT DOES NOT INCLUDE A DRUG OR BIOLOGIC REGULATED BY
25 THE UNITED STATES FOOD AND DRUG ADMINISTRATION, A FOOD OR BEVERAGE
26 OR AN ADDITIVE TO A FOOD OR BEVERAGE, A TOBACCO PRODUCT, OR A
27 PESTICIDE REGULATED BY THE UNITED STATES ENVIRONMENTAL PROTECTION

1 AGENCY, EXCEPT THAT CONSUMER PRODUCT MAY INCLUDE A CONTAINER OR
2 PACKAGING IN WHICH SUCH AN ITEM IS SOLD.

3 (I) "DISTRIBUTOR" MEANS A PERSON WHO SELLS CONSUMER PRODUCTS
4 TO RETAIL ESTABLISHMENTS ON A WHOLESALE BASIS.

5 (J) "MANUFACTURER" MEANS ANY PERSON WHO MANUFACTURES A FINAL
6 CONSUMER PRODUCT OR WHOSE BRAND NAME IS AFFIXED TO THE CONSUMER
7 PRODUCT. IN THE CASE OF A CONSUMER PRODUCT THAT IS IMPORTED INTO
8 THE UNITED STATES, MANUFACTURER INCLUDES THE IMPORTER OR DOMESTIC
9 DISTRIBUTOR OF THE CONSUMER PRODUCT IF THE PERSON WHO MANUFACTURED
10 OR ASSEMBLED THE CONSUMER PRODUCT OR WHOSE BRAND NAME IS AFFIXED TO
11 THE CONSUMER PRODUCT DOES NOT HAVE A PRESENCE IN THE UNITED STATES.

12 (K) ~~(d)~~—"Person" means an individual, partnership,
13 corporation, association, governmental entity, or other legal
14 entity.

15 (L) ~~(e)~~—"Toxic substance" means a substance that contains lead,
16 or a coating on an item that contains lead, so that the lead
17 content is more than 0.06% of the total weight. Toxic substance
18 does not include glass or crystal decorative components.

19 (M) ~~(f)~~—"Toy" means an article designed and made for the
20 amusement of a minor or for the minor's use in play.

21 Enacting section 1. This amendatory act does not take effect
22 unless all of the following bills of the 95th Legislature are
23 enacted into law:

24 (a) House Bill No. 4763.

25 (b) House Bill No. 4765.

26 (c) House Bill No. 4766.

27 (d) House Bill No. 4767.

1 (e) House Bill No. 4768.

2 (f) House Bill No. 4769.