

SUBSTITUTE FOR  
HOUSE BILL NO. 4766

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
(MCL 333.1101 to 333.25211) by adding section 5495.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1        SEC. 5495. (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A  
2        MANUFACTURER OR DISTRIBUTOR OF A CHILDREN'S PRODUCT FOR SALE IN  
3        THIS STATE THAT CONTAINS A CHEMICAL OF HIGHEST CONCERN SHALL DO ALL  
4        OF THE FOLLOWING, AS APPLICABLE:

5        (A) FOR A CHILDREN'S PRODUCT THAT IS ALREADY FOR SALE IN THIS  
6        STATE WHEN A CHEMICAL OF HIGHEST CONCERN IS IDENTIFIED BY THE  
7        DEPARTMENT UNDER SECTION 5494, SUBMIT A WRITTEN STATEMENT  
8        PRESCRIBED IN SUBSECTION (2) TO THE DEPARTMENT ON OR BEFORE THE

1 EXPIRATION OF 180 DAYS AFTER THE CHEMICAL OF HIGHEST CONCERN IS  
2 IDENTIFIED.

3 (B) FOR A CHILDREN'S PRODUCT TO BE OFFERED FOR SALE IN THIS  
4 STATE, SUBMIT A WRITTEN STATEMENT PRESCRIBED IN SUBSECTION (2) TO  
5 THE DEPARTMENT PRIOR TO PROVIDING THAT CHILDREN'S PRODUCT FOR SALE  
6 IN THIS STATE

7 (2) THE MANUFACTURER OR DISTRIBUTOR SHALL INCLUDE ALL OF THE  
8 FOLLOWING IN THE WRITTEN STATEMENT REQUIRED UNDER SUBSECTION (1):

9 (A) IDENTIFICATION OF THE CHILDREN'S PRODUCT.

10 (B) THE CHEMICALS OF HIGHEST CONCERN CONTAINED IN THE  
11 CHILDREN'S PRODUCT.

12 (C) THE AMOUNT OF EACH CHEMICAL OF HIGHEST CONCERN IN THE  
13 CHILDREN'S PRODUCT.

14 (D) THE INTENDED PURPOSE OF EACH CHEMICAL OF HIGHEST CONCERN  
15 CONTAINED IN THE CHILDREN'S PRODUCT.

16 (3) THE FOLLOWING ARE EXEMPT FROM THE WRITTEN STATEMENT  
17 REQUIREMENT OF SUBSECTION (1):

18 (A) A RETAILER, UNLESS THE RETAILER IS ALSO A MANUFACTURER OR  
19 DISTRIBUTOR, OR BOTH.

20 (B) USES OF CHEMICALS OF HIGHEST CONCERN FOR INDUSTRIAL OR  
21 MANUFACTURING PURPOSES.

22 (C) MOTOR VEHICLES OR THEIR COMPONENT PARTS, EXCEPT THAT THE  
23 USE OF CHEMICALS OF HIGHEST CONCERN IN DETACHABLE CAR SEATS IS NOT  
24 EXEMPT.

25 (D) CHEMICALS OF HIGHEST CONCERN GENERATED SOLELY AS  
26 COMBUSTION BY-PRODUCTS OR THAT ARE PRESENT IN COMBUSTIBLE FUELS.

27 (4) THE DEPARTMENT MAY EXTEND THE DEADLINE FOR SUBMISSION OF

1 THE WRITTEN STATEMENT UNDER SUBSECTION (1) FOR 1 OR MORE SPECIFIED  
2 USES OF A CHEMICAL OF HIGHEST CONCERN IN A CHILDREN'S PRODUCT IF  
3 THE DEPARTMENTS DETERMINE THAT MORE TIME IS NEEDED BY THE  
4 MANUFACTURER OR DISTRIBUTOR TO COMPLY.

5 (5) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, NOT LATER  
6 THAN JANUARY 1, 2011 AND ANNUALLY THEREAFTER, A MANUFACTURER SHALL  
7 REPORT TO THE DEPARTMENT WHETHER A SCREENING INFORMATION DATA SET,  
8 AS SPECIFIED BY THE ORGANISATION FOR ECONOMIC CO-OPERATION AND  
9 DEVELOPMENT, OR EQUIVALENT INFORMATION EXISTS FOR ADDED CHEMICAL  
10 INGREDIENTS IN A CHILDREN'S PRODUCT THE MANUFACTURER HAS SOLD IN  
11 THIS STATE.

12 (6) A MANUFACTURER OR DISTRIBUTOR OF A CHILDREN'S PRODUCT SOLD  
13 IN THIS STATE IS EXEMPT FROM THE WRITTEN STATEMENT REQUIREMENT OF  
14 SUBSECTION (1) AND THE REPORT UNDER SUBSECTION (5) IF THE QUANTITY  
15 OF THAT CHILDREN'S PRODUCT SOLD IN THIS STATE IN THE PRIOR CALENDAR  
16 YEAR IS 3,000 UNITS OR LESS OR, FOR A CHILDREN'S PRODUCT TO BE  
17 OFFERED FOR SALE IN THIS STATE, IF THE QUANTITY OF THAT CHILDREN'S  
18 PRODUCT TO BE SOLD IN THIS STATE IN A CALENDAR YEAR IS 3,000 UNITS  
19 OR LESS.

20 (7) ON OR BEFORE THE EXPIRATION OF 30 DAYS AFTER RECEIPT OF  
21 INFORMATION IN A WRITTEN STATEMENT OR REPORT UNDER THIS SECTION,  
22 THE DEPARTMENT SHALL PUBLICLY POST THE INFORMATION IN AN ELECTRONIC  
23 FORMAT AND IN A CONSUMER-FRIENDLY FORM.

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

27 (a) House Bill No. 4763.

- 1 (b) House Bill No. 4764.
- 2 (c) House Bill No. 4765.
- 3 (d) House Bill No. 4767.
- 4 (e) House Bill No. 4768.
- 5 (f) House Bill No. 4769.