

SENATE BILL No. 765

October 20, 2011, Introduced by Senators KAHN, ANDERSON, PAPPAGEORGE and BIEDA and referred to the Committee on Government Operations.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 5491 (MCL 333.5491), as added by 2007 PA 159,
and by adding section 5494.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5491. As used in this part:

2 **(A) "ADVISORY COUNCIL" MEANS THE CHILDREN'S SAFE PRODUCTS**
3 **ADVISORY COUNCIL CREATED IN SECTION 5494.**

4 **(B)** ~~(a)~~—"Child care article" means a product designed or
5 intended by the manufacturer to facilitate the sleep, relaxation,
6 or feeding of children or to help children with sucking or
7 teething.

8 **(C)** ~~(b)~~—"Children" means individuals who are 7 years old or
9 younger.

1 (D) ~~(e)~~—"Consumer" means that term as used in the consumer
2 product safety act, 15 USC 2051 to ~~2085-2089~~.

3 (E) ~~(d)~~—"Person" means an individual, partnership,
4 corporation, association, governmental entity, or other legal
5 entity.

6 (F) ~~(e)~~—"Toxic substance" means a substance that contains
7 lead, or a coating on an item that contains lead, so that the lead
8 content is more than 0.06% of the total weight. Toxic substance
9 does not include glass or crystal decorative components.

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

12 SEC. 5494. (1) THE CHILDREN'S SAFE PRODUCTS ADVISORY COUNCIL
13 IS CREATED WITHIN THE DEPARTMENT TO DO BOTH OF THE FOLLOWING:

14 (A) PROMOTE MANUFACTURING AND BUSINESS PROCESSES THAT
15 EFFICIENTLY USE CHEMICALS, INCLUDING THE MINIMIZATION OR RECYCLING
16 OF THOSE CHEMICALS.

17 (B) PROMOTE A STANDARDIZED, NATIONAL LIST OF CHEMICALS OF
18 CONCERN.

19 (2) THE ADVISORY COUNCIL SHALL CONSIST OF THE FOLLOWING
20 MEMBERS:

21 (A) A REPRESENTATIVE FROM THE DEPARTMENT.

22 (B) A REPRESENTATIVE FROM THE DEPARTMENT OF ENVIRONMENTAL
23 QUALITY.

24 (C) THREE MEMBERS APPOINTED BY THE SENATE MAJORITY LEADER FROM
25 THE FOLLOWING:

26 (i) A REPRESENTATIVE FROM A STATEWIDE MANUFACTURING
27 ASSOCIATION.

1 (ii) A REPRESENTATIVE FROM A STATEWIDE CHEMICAL ASSOCIATION.

2 (iii) A MEMBER OF THE GENERAL PUBLIC.

3 (D) THREE MEMBERS APPOINTED BY THE SPEAKER OF THE HOUSE OF
4 REPRESENTATIVES, AS FOLLOWS:

5 (i) A REPRESENTATIVE FROM A STATEWIDE BUSINESS ORGANIZATION.

6 (ii) A REPRESENTATIVE FROM A REGIONAL ENVIRONMENTAL
7 ORGANIZATION.

8 (iii) A MEMBER OF THE GENERAL PUBLIC.

9 (E) TWO MEMBERS APPOINTED BY THE GOVERNOR, AS FOLLOWS:

10 (i) A REPRESENTATIVE FROM A STATEWIDE ENVIRONMENTAL
11 ORGANIZATION.

12 (ii) A REPRESENTATIVE FROM A NATIONAL MANUFACTURING
13 ORGANIZATION.

14 (3) THE MEMBERS FIRST APPOINTED TO THE ADVISORY COUNCIL SHALL
15 BE APPOINTED WITHIN 60 DAYS AFTER THE EFFECTIVE DATE OF THIS
16 SECTION.

17 (4) IF A VACANCY OCCURS ON THE ADVISORY COUNCIL, AN ALTERNATE
18 APPOINTMENT SHALL BE MADE FOR THE UNEXPIRED TERM IN THE SAME MANNER
19 AS THE ORIGINAL APPOINTMENT.

20 (5) A MEMBER OF THE ADVISORY COUNCIL MAY BE REMOVED FOR
21 INCOMPETENCE, DERELICTION OF DUTY, MALFEASANCE, MISFEASANCE, OR
22 NONFEASANCE IN OFFICE, OR ANY OTHER GOOD CAUSE.

23 (6) THE FIRST MEETING OF THE ADVISORY COUNCIL SHALL BE CALLED
24 BY A REPRESENTATIVE FROM THE DEPARTMENT. AT THE FIRST MEETING, THE
25 ADVISORY COUNCIL SHALL ELECT FROM AMONG ITS MEMBERS A CHAIRPERSON
26 AND OTHER OFFICERS AS IT CONSIDERS NECESSARY OR APPROPRIATE. AFTER
27 THE FIRST MEETING, THE ADVISORY COUNCIL SHALL MEET AT LEAST

1 QUARTERLY, OR MORE FREQUENTLY AT THE CALL OF THE CHAIRPERSON OR IF
2 REQUESTED BY A MAJORITY OF THE MEMBERS.

3 (7) A MAJORITY OF THE MEMBERS OF THE ADVISORY COUNCIL
4 CONSTITUTE A QUORUM FOR THE TRANSACTION OF BUSINESS AT A MEETING OF
5 THE ADVISORY COUNCIL. A MAJORITY OF THE MEMBERS PRESENT AND SERVING
6 ARE REQUIRED FOR OFFICIAL ACTION OF THE ADVISORY COUNCIL.

7 (8) THE BUSINESS THAT THE ADVISORY COUNCIL MAY PERFORM SHALL
8 BE CONDUCTED AT A PUBLIC MEETING OF THE ADVISORY COUNCIL HELD IN
9 COMPLIANCE WITH THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO
10 15.275.

11 (9) A WRITING PREPARED, OWNED, USED, IN THE POSSESSION OF, OR
12 RETAINED BY THE ADVISORY COUNCIL IN THE PERFORMANCE OF AN OFFICIAL
13 FUNCTION IS SUBJECT TO THE FREEDOM OF INFORMATION ACT, 1976 PA 442,
14 MCL 15.231 TO 15.246.

15 (10) MEMBERS OF THE ADVISORY COUNCIL SHALL SERVE WITHOUT
16 COMPENSATION. HOWEVER, MEMBERS OF THE ADVISORY COUNCIL MAY BE
17 REIMBURSED FOR THEIR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE
18 PERFORMANCE OF THEIR OFFICIAL DUTIES AS MEMBERS OF THE ADVISORY
19 COUNCIL.

20 (11) THE ADVISORY COUNCIL SHALL DO ALL OF THE FOLLOWING:

21 (A) SURVEY EXISTING AND PLANNED INNOVATIVE PROGRAMS IN THIS
22 STATE THAT HELP TO REDUCE OR MAKE MORE EFFICIENT THE USE OF
23 CHEMICALS IN THE MANUFACTURING PROCESS AND PROVIDE INFORMATION ON
24 THOSE PROGRAMS TO AN INTERSTATE CHEMICAL CLEARINGHOUSE REGARDING
25 CHEMICALS IN CHILDREN'S TOYS AND PRODUCTS.

26 (B) STUDY AND REPORT TO THE LEGISLATURE ON EXISTING OR
27 PROPOSED PROGRAMS IN OTHER STATES THAT ARE SIMILAR TO THOSE

1 DESCRIBED IN SUBDIVISION (A) AND THEIR POTENTIAL FOR USE IN THIS
2 STATE.

3 (C) DEVELOP PROPOSED NEW CATEGORIES OF RECOGNITION UNDER THE
4 DEPARTMENT OF ENVIRONMENTAL QUALITY'S CLEAN CORPORATE CITIZEN
5 PROGRAM TO RECOGNIZE AND INCENTIVIZE EFFORTS TO REDUCE THE USE OF
6 CHEMICALS IN MANUFACTURING PROCESSES. THE ADVISORY COUNCIL SHALL
7 ALSO RECOMMEND NEW BENEFITS TO BE GIVEN TO THOSE COMPANIES
8 RECEIVING RECOGNITION UNDER THIS PROGRAM.

9 (12) THE ADVISORY COUNCIL IS DISSOLVED EFFECTIVE DECEMBER 31,
10 2013.