

SENATE BILL No. 17

January 16, 2013, Introduced by Senator KAHN and referred to the Committee on Government Operations.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 5491 and 5492 (MCL 333.5491 and 333.5492), as
added by 2007 PA 159.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5491. As used in this part:

2 (a) "Child care article" means a product designed or intended
3 by the manufacturer to facilitate the sleep, relaxation, or feeding
4 of children or to help children with sucking or teething.

5 (b) "Children" means individuals who are 7 years old or
6 younger.

7 (c) "Consumer" means that term as used in the consumer product
8 safety act, 15 USC 2051 to ~~2085~~2089.

9 (D) **"HEAVY METAL" MEANS CADMIUM, LEAD, OR MERCURY.**

10 (E) ~~(d)~~—"Person" means an individual, partnership,

1 corporation, association, governmental entity, or other legal
2 entity.

3 (F) ~~(e)~~—"Toxic substance" means a substance that contains
4 ~~lead, or a coating on an item that contains lead, so that the lead~~
5 ~~content is more than 0.06% of the total~~ **BY weight OF 1 OR MORE**
6 **HEAVY METALS**. Toxic substance does not include glass or crystal
7 decorative components.

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

11 Sec. 5492. (1) A person shall not ~~use or~~ apply a toxic
12 substance ~~in or on~~ **TO** any toy or child care article in this state
13 **OR MANUFACTURE A TOY OR CHILD CARE ARTICLE IN THIS STATE WITH A**
14 **PART THAT IS A TOXIC SUBSTANCE.**

15 (2) A person shall not sell, offer for sale, or transfer a toy
16 or child care article in this state that contains a toxic
17 substance.

18 (3) This section does not apply to the sale of a collectible
19 toy that is not marketed to or intended to be used by a minor.