

HOUSE BILL No. 6020

November 9, 2016, Introduced by Rep. Irwin and referred to the Committee on Regulatory Reform.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 5481 (MCL 333.5481), as added by 2007 PA 161,
and by adding section 5485b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5481. As used in this part:

2 (a) "Children" means individuals who are 7 years old or
3 younger.

4 (b) "Consumer" means that term as used in the consumer product
5 safety act, 15 USC 2051 to ~~2085~~.**2089**.

6 (c) "Children's jewelry" means jewelry that is made for,
7 marketed for use by, or marketed to children, including, but not
8 limited to, the following:

1 (i) Jewelry represented in its packaging, display, or
2 advertising as appropriate for use by children.

3 (ii) Jewelry sold in conjunction with, attached to, or
4 packaged together with other products that are packaged, displayed,
5 or advertised as appropriate for use by children.

6 (iii) Jewelry sized for children and not intended for use by
7 adults.

8 (iv) Jewelry sold in a vending machine.

9 (v) Jewelry sold in a retail store, catalog, or online website
10 in which a person exclusively offers for sale products that are
11 packaged, displayed, or advertised as appropriate for use by
12 children.

13 (vi) Jewelry sold in a discrete portion of a retail store,
14 catalog, or online website in which a person offers for sale
15 products that are packaged, displayed, or advertised as appropriate
16 for use by children.

17 (d) "Lead-bearing substance" means an item or substance that
18 contains lead, or a coating on an item that contains lead, so that
19 the lead content is more than ~~0.06%~~ **0.009%** of the total weight.
20 Lead-bearing substance does not include glass or crystal decorative
21 components.

22 **(E) "LEAD-CONTAINING PAINT" MEANS PAINT OR ANOTHER SIMILAR**
23 **SURFACE-COATING MATERIAL CONTAINING LEAD OR LEAD COMPOUNDS AND IN**
24 **WHICH THE LEAD CONTENT (CALCULATED AS LEAD METAL) IS MORE THAN**
25 **0.009 PERCENT BY WEIGHT OF THE TOTAL NONVOLATILE CONTENT OF THE**
26 **SURFACE-COATING MATERIAL OR THE WEIGHT OF THE DRIED FILM OF THE**
27 **SURFACE-COATING MATERIAL. LEAD-CONTAINING PAINT DOES NOT INCLUDE AN**

1 ARTISTS' PAINT.

2 (F) "PAINT OR ANOTHER SIMILAR SURFACE-COATING MATERIAL" MEANS
3 A FLUID, SEMI-FLUID, OR OTHER MATERIAL, WITH OR WITHOUT A
4 SUSPENSION OF FINELY DIVIDED COLORING MATTER, THAT CHANGES TO A
5 SOLID FILM WHEN A THIN LAYER IS APPLIED TO A SURFACE. THIS TERM
6 DOES NOT INCLUDE PRINTING INK OR ANOTHER MATERIAL THAT ACTUALLY
7 BECOMES A PART OF THE SUBSTRATE, SUCH AS THE PIGMENT IN A PLASTIC
8 ARTICLE, OR A MATERIAL THAT IS ACTUALLY BONDED TO THE SUBSTRATE,
9 SUCH AS BY ELECTROPLATING OR CERAMIC GLAZING.

10 (G) ~~(e)~~—"Person" means an individual, partnership,
11 corporation, association, governmental entity, or other legal
12 entity.

13 SEC. 5485B. (1) EFFECTIVE JANUARY 1, 2017, A PERSON SHALL NOT
14 MANUFACTURE FOR SALE A LEAD-CONTAINING PAINT.

15 (2) EFFECTIVE JUNE 1, 2017, A PERSON SHALL NOT RECEIVE FOR
16 SALE A LEAD-CONTAINING PAINT.

17 (3) EFFECTIVE JANUARY 1, 2018, A PERSON SHALL NOT APPLY LEAD-
18 CONTAINING PAINT.