

Legislative Analysis



GAS CANS MADE AND USED ONLY IN MICHIGAN

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<http://www.house.mi.gov/hfa>

House Bill 4272 as introduced
Sponsor: Rep. Steven Johnson
Committee: Commerce and Tourism
Complete to 3-15-21

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 4272 would create a new act to require certain gas cans made in Michigan to include a label reading "Made in Michigan. For use only in Michigan." The act includes a legislative finding that such a container, if it remains in Michigan, has not entered into interstate commerce and is therefore not subject to congressional authority to regulate interstate commerce.

The new act would require a person who manufactures a portable fuel container in Michigan to clearly stamp, engrave, or otherwise indicate on a central part of the container the words "Made in Michigan. For use only in Michigan." if the container meets both of the following:

- It is manufactured without the inclusion of parts (other than *generic or insignificant parts*) imported from outside Michigan.
- It does not comply with subpart F of 40 CFR part 59 (National Volatile Organic Compound Emission Standards for Consumer and Commercial Products).¹

Generic or insignificant parts would mean parts that are minor components or that have manufacturing or consumer product applications other than the production of portable fuel containers, including steel and plastic.

If the container remained in Michigan, the label would be evidence that it had not entered or substantially affected interstate commerce.

The new act would also prohibit a person from stamping, engraving, or otherwise indicating on a portable fuel container that it was made in Michigan unless it was manufactured without the inclusion of parts (other than generic or insignificant parts) imported from outside Michigan.

The proposed act would take effect 90 days after its enactment.

BACKGROUND:

As introduced, House Bill 4272 is identical to House Bill 4717 of the 2019-20 legislative session as that bill was passed by the House of Representatives on September 15, 2020.

¹ <https://www.govinfo.gov/content/pkg/CFR-2016-title40-vol6/pdf/CFR-2016-title40-vol6-part59-subpartF.pdf>

FISCAL IMPACT:

House Bill 4272 would not affect costs or revenues for the Department of Natural Resources or the Department of Environment, Great Lakes, and Energy. The bill is also unlikely to affect costs or revenues for local governments.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.