

# HOUSE BILL NO. 4272

February 18, 2021, Introduced by Reps. Steven Johnson, Brann, LaFave, O'Malley, Markkanen, Beson, Bezotte, Allor, Meerman, Reilly, Bellino, Borton, VanSingel, Slagh and Paquette and referred to the Committee on Commerce and Tourism.

A bill to regulate the labeling of certain portable fuel containers as made in and for use in Michigan; and to make findings that, under certain circumstances, portable fuel containers have not entered or substantially affected interstate commerce.

## **THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

- 1       Sec. 1. As used in this act:
- 2       (a) "Generic or insignificant parts" means parts that are
- 3       minor components or have manufacturing or consumer product
- 4       applications other than the production of portable fuel containers

1 and includes, but is not limited to, steel and plastic.

2 (b) "Manufactured" means created from basic materials for  
3 functional usefulness, including, but not limited to, forging,  
4 casting, machining, molding, stamping, or other processes for  
5 working materials.

6 (c) "Portable fuel container" means that term as defined in 40  
7 CFR 59.680.

8 Sec. 2. The legislature finds all of the following:

9 (a) A portable fuel container that is manufactured in this  
10 state without the inclusion of parts, other than generic or  
11 insignificant parts, imported from outside of this state and that  
12 remains within this state has not entered into or substantially  
13 affected interstate commerce and is not subject to congressional  
14 authority to regulate interstate commerce.

15 (b) Basic materials, such as unmachined and unshaped steel and  
16 plastic, are not portable fuel containers and are not subject to  
17 congressional authority to regulate portable fuel containers in  
18 interstate commerce as if the basic materials were actually  
19 portable fuel containers.

20 (c) Congressional authority to regulate interstate commerce in  
21 basic materials does not include authority to regulate portable  
22 fuel containers manufactured in this state from those basic  
23 materials.

24 Sec. 3. (1) If a person manufactures a portable fuel container  
25 in this state without the inclusion of parts, other than generic or  
26 insignificant parts, imported from outside of this state and if the  
27 container does not comply with 40 CFR part 59, subpart F, the  
28 person shall clearly stamp, engrave, or otherwise indicate on a  
29 central part of the fuel container the words "Made in Michigan. For

1 use only in Michigan." This label is evidence that, if the portable  
2 fuel container remains in this state, it has not entered or  
3 substantially affected interstate commerce.

4 (2) If a portable fuel container is not manufactured as  
5 described in subsection (1), a person shall not stamp, engrave, or  
6 otherwise indicate on the portable fuel container that it is made  
7 in this state.

8 Enacting section 1. This act takes effect 90 days after the  
9 date it is enacted into law.