

CHILDREN'S PRODUCT SAFETY ACT (EXCERPT)
Act 219 of 2000

722.1056 Unsafe children's product; criteria; crib; retrofit; notice; compliance.

Sec. 6. (1) A children's product is unsafe for purposes of this act if it meets 1 or more of the following criteria:

(a) The children's product does not conform to all federal laws and regulations setting forth standards for the children's product.

(b) The children's product has been recalled for any reason by a federal agency, the product's manufacturer, distributor, or importer; the recall has not been rescinded; and the children's product has been listed by the CPSC as a recalled product.

(c) A federal agency has issued a warning that a specific children's product's intended use constitutes a safety hazard and the warning has not been rescinded.

(2) For the purposes of this act, a crib is unsafe if it does not conform to the standards endorsed or established by the CPSC.

(3) An unsafe children's product, as determined under subsection (2), may be retrofitted if the retrofit has been approved by the federal agency issuing the recall or warning or the federal agency responsible for approving the retrofit if it is different from the federal agency issuing the recall or warning. A retrofitted children's product may be sold if it is accompanied at the time of sale by a notice declaring that it is safe to use. The notice shall include all of the following:

(a) A description of the original problem that made the recalled children's product unsafe.

(b) A description of the retrofit that explains how the original problem was eliminated and declaring that it is now safe to use.

(c) The name and address of the commercial user who accomplished the retrofit certifying that the work was done along with the name and model number of the product retrofitted. The commercial user is responsible for ensuring that the notice is present with the retrofitted product at the time of sale.

(4) A retrofit does not need to comply with this act if either of the following applies:

(a) The retrofit is for a children's product that requires assembly by the consumer, the approved retrofit is provided with the product by the commercial user, and the retrofit is accompanied at the time of sale by instructions explaining how to apply the retrofit.

(b) The seller of a previously unsold children's product accomplishes the repair prior to sale and the repair is approved or recommended by a federal agency.

History: 2000, Act 219, Imd. Eff. June 27, 2000.