SENATE BILL No. 583

April 27, 1993, Introduced by Senators POLLACK, CHERRY, FAXON, CONROY, FAUST and KELLY and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to require labeling of certain products containing certain heavy metals; to prescribe the powers and duties of certain state agencies and officials; and to provide remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1   Sec. 1. This act shall be known and may be cited as the

2 "heavy metals labeling act".

3   Sec. 2. As used in this act:

4   (a) "Department" means the department of natural resources.

5   (b) "Heavy metal" means 1 or more of the following:

6   (*i*) Lead.

7   (*ii*) Mercury.

8   (*iii*) Cadmium.

9   (c) "Person" means an individual, partnership, corporation,

10 association, a governmental entity or any other legal entity.

1   (d) "Product" means any item, packaging, or material of any

2 kind.

3   Sec. 3. A person shall not sell or offer for sale in this

4 state any product that contains a heavy metal that was intention-

5 ally introduced into the product unless that product or the

6 product's packaging is labeled as provided in this act.

7   Sec. 4. A product required to be labeled under this act

8 shall be labeled as follows:

9   (a) The label shall be prominently displayed on the product

10 or the product's packaging.

11   (b) The label shall contain the following: "This product

12 contains heavy metals that may be hazardous to human health and

13 the environment".

14   Sec. 5. (1) A person who violates this act is subject to a

15 civil fine of 3 times the wholesale price of each product that is

16 sold or offered for sale in violation of this act.

17   (2) A default in the payment of a civil fine or costs

18 ordered under this act or an installment of the fine or costs may

19 be remedied by any means authorized under the revised judicature

20 act of 1961, Act No. 236 of the Public Acts of 1961, being

21 sections 600.101 to 600.9947 of the Michigan Compiled Laws.

22   (3) The department shall enforce this act.