

SUBSTITUTE FOR
HOUSE BILL NO. 4699

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 14721 (MCL 324.14721), as added by 2004 PA 526,
and by adding section 14723a; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 14721. (1) As used in this subpart:

2 **(A) "DECA-BDE" MEANS DECA-BROMODIPHENYL ETHER.**

3 **(B) ~~(a)~~"Department" means the department of environmental**
4 **~~quality.~~NATURAL RESOURCES AND ENVIRONMENT.**

5 **(C) ~~(b)~~"Octa-BDE" means octabromodiphenyl ether.**

6 **(D) ~~(c)~~"PBDE" means polybrominated diphenyl ether.**

7 **(E) ~~(d)~~"Penta-BDE" means pentabromodiphenyl ether.**

8 (2) This subpart may be cited as the "Mary Beth Doyle PBDE

House Bill No. 4699 (H-3) as amended January 27, 2010
act".

SEC. 14723A. (1) SUBJECT TO SUBSECTION (2), A PERSON SHALL NOT
MANUFACTURE, SELL, OR DISTRIBUTE FOR SALE WITHIN THIS STATE ANY OF
THE FOLLOWING THAT CONTAIN DECA-BDE:

(A) BEGINNING DECEMBER 31, 2010, ANY OF THE FOLLOWING:

(i) A MATTRESS OR UPHOLSTERED FURNITURE DESIGNED FOR
RESIDENTIAL USE.

(ii) ANY ELECTRICAL OR ELECTRONIC EQUIPMENT.

(B) BEGINNING DECEMBER 31, 2012, ALL OTHER PRODUCTS NOT
DESCRIBED IN SUBDIVISION (A).

(2) SUBSECTION (1) DOES NOT APPLY TO MOTOR VEHICLES OR OTHER
TRANSPORTATION EQUIPMENT, MILITARY EQUIPMENT, OR COMPONENTS WITHIN
MOTOR VEHICLES OR OTHER TRANSPORTATION OR MILITARY EQUIPMENT.

(3) BEGINNING DECEMBER 31, 2013, A PERSON SHALL NOT
MANUFACTURE, SELL, OR DISTRIBUTE FOR SALE WITHIN THIS STATE MOTOR
VEHICLES OR OTHER TRANSPORTATION EQUIPMENT, MILITARY EQUIPMENT, OR
COMPONENTS WITHIN MOTOR VEHICLES OR OTHER TRANSPORTATION OR
MILITARY EQUIPMENT THAT CONTAIN DECA-BDE. HOWEVER, THIS SUBSECTION
DOES NOT APPLY TO THE MANUFACTURE, SALE, OR DISTRIBUTION OF MOTOR
VEHICLE SERVICE PARTS FOR MOTOR VEHICLES MANUFACTURED PRIOR TO
DECEMBER 31, 2013.

(4) A [PERSON] THAT IS IN POSSESSION OF A PRODUCT DESCRIBED IN
SUBSECTION (1) OR (3) ON THE APPLICABLE DATE LISTED IN SUBSECTION
(1) OR (3) MAY SELL OR OTHERWISE DISPOSE OF THAT PRODUCT.

(5) THIS SECTION DOES NOT RESTRICT A PERSON FROM TRANSPORTING
A PRODUCT DESCRIBED IN SUBSECTION (1) OR (3) OR STORING THAT
PRODUCT FOR LATER DISTRIBUTION OUTSIDE OF THIS STATE.

[(6) BEGINNING IN 2011 AND EACH YEAR THEREAFTER, A PERSON THAT
PRODUCED DECA-BDE FOR USE IN A PRODUCT SOLD IN THIS STATE OR THAT SOLD
DECA-BDE FOR USE IN THIS STATE DURING THE PRIOR YEAR SHALL SUBMIT A
REPORT TO THE DEPARTMENT THAT DETAILS THE QUANTITY OF DECA-BDE THAT WAS
PRODUCED OR SOLD BY THAT PERSON IN THE UNITED STATES DURING THE PRIOR
YEAR.]

1 Enacting section 1. Section 14724 of the natural resources and
2 environmental protection act, 1994 PA 451, MCL 324.14724, is
3 repealed.