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Senate Bill 174 (Substitute S-2 as reported)  
Sponsor: Senator Roger Kahn, M.D.  
First Committee: Natural Resources and Environmental Affairs  
Second Committee: Health Policy

## **CONTENT**

The bill would add Part 54C (Toxic Substances in Children's Products) to the Public Health Code to prohibit a person from using or applying a toxic substance in or on any toy or child care article in the State; and prohibit a person from selling, offering for sale, or transferring a toy or child care article containing a toxic substance in Michigan. The prohibitions would not apply to a collectible toy not marketed to or intended to be used by a minor.

"Toxic substance" would mean a coating on an item or a substance that contains more than 0.06% lead. "Child care article" would mean a product designed or intended to facilitate sleeping, relaxation, or feeding of children under seven years old.

A person who violated Part 54C and was not an individual consumer would be subject to the following civil fines: for a first offense, up to \$100 per item not to exceed \$5,000 total; for a second offense, up to \$500 per item not to exceed \$25,000 total; and for a third or subsequent offense, up to \$1,000 per item not to exceed \$50,000 total. For a knowing violation, the fine would be three times the prescribed amount. The fine would have to be waived if a person acted in good faith to comply, pursued compliance with due diligence, and promptly corrected any noncompliance.

The bill would take effect 90 days after it was enacted. It is tie-barred to House Bills 4132, 4399, and 4936. House Bills 4132 (S-1) and 4399 (S-2) would amend the Code to prohibit a person from doing the following in Michigan, and prescribe civil fines for violations:

- Using or applying a lead-bearing substance in or on any children's jewelry.
- Selling, offering for sale, or transferring to any person any children's jewelry that contained a lead-bearing substance.
- Selling or offering for sale or use a lunch box that contained a lead-bearing substance.

House Bill 4936 (S-2) would amend the Code to reinstate the Childhood Lead Poisoning Prevention and Control Commission.

Proposed MCL 333.5491-333.5493

Legislative Analyst: Julie Cassidy

## **FISCAL IMPACT**

The bill would have an indeterminate fiscal impact on State government. Additional civil fine revenue would be deposited in the State's General Fund.

Date Completed: 11-8-07

Fiscal Analyst: Lindsay Hollander