

Legislative Analysis



ALLOW MANUFACTURE & SALE OF INCANDESCENT LIGHTBULBS IN MICHIGAN

Mary Ann Cleary, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 4815

Sponsor: Rep. Tom McMillin

Committee: Energy and Technology

Complete to 9-12-11

A SUMMARY OF HOUSE BILL 4815 AS INTRODUCED 6-23-11

The bill would allow the continued manufacture, sale, and use of incandescent lightbulbs in the state of Michigan under certain conditions.

Beginning in 2012, the manufacture, sale, and use of incandescent lightbulbs will be phased out under the federal Energy Independence and Security Act of 2007 and consumers would choose between CFLs (compact fluorescent), halogen, or LED bulbs.

House Bill 4815 would create a new act to specify legislative findings, define terms, and state that an incandescent bulb that was made in Michigan and that remained in the state would not be considered to have entered or substantially to affect interstate commerce, and thus would not be subject to the forthcoming federal ban.

Legislative findings. The bill lists several Legislative findings as paraphrased below:

- An incandescent lightbulb manufactured in Michigan without the inclusion of parts imported from outside the state (other than generic or insignificant parts) and that remained in the state has not entered into interstate commerce and thus is not subject to the authority given to Congress to regulate commerce between the states.
- Basic materials, such as unmachined and unshaped steel and glass, are not incandescent lightbulbs in and of themselves and thus are not subject to congressional authority to regulate incandescent lightbulbs in interstate commerce.
- Congressional authority to regulate interstate commerce in basic materials does not include the authority to regulate incandescent lightbulbs manufactured in Michigan from those basic materials.

Exemption from federal ban. As evidence that an incandescent lightbulb manufactured in Michigan without parts imported from other states (except for generic or insignificant parts) had not entered or substantially affected interstate commerce, it (1) would have to have remained within Michigan, and (2) have the words "Made in Michigan" clearly stamped, engraved, or otherwise clearly indicated on a central part.

Definitions. The bill would define the following terms:

- "Incandescent lightbulb" would mean a lightbulb containing a filament or filaments that produce light when the filament or filaments are heated due to electrical resistance.
- "Generic or insignificant parts" would mean parts that are minor components or have manufacturing or consumer product applications other than the production of incandescent lightbulbs. The term would include, but not be limited to, steel, glass, springs, screws, nuts, pins, and ceramics.
- "Manufactured" would mean created from basic materials for functional usefulness, including, but not limited to, forging, casting, machining, or other processes for working materials.

FISCAL IMPACT:

House Bill 4815 would have no significant fiscal impact on the Department of Environmental Quality.

The bill as introduced may have a fiscal impact on the Department of Licensing and Regulatory Affairs (LARA) by increasing expenditures for the Bureau of Commercial Services, which is charged with "...ensuring compliance with reporting and registration requirements." House Bill 4815 does not specify any enforcement responsibilities pertaining to the manufacture and marketing of incandescent light bulbs that would bear the "Made in Michigan" mark. However, if such a mark was used in a fraudulent or misleading manner, the Bureau of Commercial Services would likely investigate and enforce any violation of applicable Michigan law. Additionally, the Office of Attorney General, Consumer Protection Division, might be fiscally impacted by enforcing the proper use of the "Made in Michigan" mark on incandescent light bulbs.

Legislative Analyst: Susan Stutzky
 Fiscal Analyst: Viola Bay Wild
 Paul Holland

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