

HOUSE BILL No. 5345

February 2, 2012, Introduced by Reps. McMillin, Horn, Huuki, Lund, Agema, Franz, Moss, Daley, Goike, Lyons, Haveman, Somerville, McBroom, Hooker, O'Brien and Rogers and referred to the Committee on Commerce.

A bill to provide for the labeling of certain asthma inhalers as made in Michigan.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Asthma inhaler" means a nonprescription asthma inhaler
3 that contains epinephrine as an active ingredient and that may
4 contain chlorofluorocarbons as a propellant.

5 (b) "Generic or insignificant parts" means parts that are
6 minor components or have manufacturing or consumer product
7 applications other than the production of asthma inhalers and
8 includes, but is not limited to, steel and plastic.

9 (c) "Manufactured" means created from basic materials for
10 functional usefulness, including, but not limited to, forging,
11 casting, machining, or other processes for working materials.

1 Sec. 2. The legislature finds all of the following:

2 (a) An asthma inhaler that is manufactured in this state
3 without the inclusion of parts, other than generic or insignificant
4 parts, imported from outside of this state and that remains within
5 this state has not entered into interstate commerce and is not
6 subject to congressional authority to regulate interstate commerce.

7 (b) Basic materials, such as unmachined and unshaped steel and
8 plastic, are not asthma inhalers and are not subject to
9 congressional authority to regulate asthma inhalers in interstate
10 commerce as if the basic materials were actually asthma inhalers.

11 (c) Congressional authority to regulate interstate commerce in
12 basic materials does not include authority to regulate asthma
13 inhalers manufactured in this state from those basic materials.

14 Sec. 3. An asthma inhaler manufactured in this state without
15 the inclusion of parts, other than generic or insignificant parts,
16 imported from outside of this state, may have the words "made in
17 Michigan" clearly stamped, engraved, or otherwise clearly indicated
18 on a central part as evidence that, if the asthma inhaler remains
19 in this state, it has not entered or substantially affected
20 interstate commerce.