



SENATE BILL No. 847

September 22, 1993, Introduced by Senator FAXON and referred to the Committee on Health Policy.

A bill to prohibit the sale or distribution of certain art materials and art material products in this state; and to prescribe penalties and remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Art material or art material product" means that term
3 as defined in the federal hazardous substances act.

4 (b) "Federal hazardous substances act" means section 23 of
5 the federal hazardous substances act, Public Law 86-613, 15
6 U.S.C. 1277.

7 Sec. 2. A person shall not sell, distribute, or otherwise
8 provide to any other person in this state an art material or art
9 material product unless it complies with both of the following
10 requirements:

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1 (a) The art material or art material product meets the
2 labeling standards specified in the federal hazardous substances
3 act.

4 (b) The art material or art material product has on its
5 label a conformance statement that it complies with the labeling
6 requirements of the federal hazardous substances act. For pur-
7 poses of this subdivision, if the art material or art material
8 product has a conformance statement required under the federal
9 hazardous substances act and applicable federal regulations, the
10 conformance statement complies with this subdivision.

11 Sec. 3. (1) A person who sells, distributes, or otherwise
12 provides for money or other compensation an art material or art
13 material product in violation of this act is liable for a civil
14 fine of not more than \$25,000.00 per violation.

15 (2) A civil fine recovered under this section shall be
16 transmitted to the state treasurer for deposit in the general
17 fund of this state.

18 Sec. 4. The attorney general or a prosecuting attorney may
19 apply to the circuit court for Ingham county or to the circuit
20 court for the county in which the alleged act in violation of
21 this act is alleged to have occurred or in which a party to the
22 alleged violative act resides for injunctive or other appropriate
23 judicial relief or remedy.

24 Sec. 5. (1) A person who has received for money or other
25 compensation an art material or art material product in violation
26 of this act may bring an action to do either or both of the
27 following:

1 (a) Obtain a declaratory judgment that an act is unlawful
2 under this act.

3 (b) Enjoin in accordance with the principles of equity a
4 person who is engaging or is about to engage in an act that is
5 prohibited under this act.

6 (2) Except in a class action, a person who suffers loss as a
7 result of a violation of this act may bring an action to recover
8 actual damages or \$250.00, whichever is greater, together with
9 reasonable attorneys' fees.