

PUBLIC HEALTH CODE (EXCERPT)
Act 368 of 1978
PART 54C.
TOXIC SUBSTANCES IN CHILDREN'S PRODUCTS

333.5491 Definitions.

Sec. 5491.

As used in this part:

- (a) "Child care article" means a product designed or intended by the manufacturer to facilitate the sleep, relaxation, or feeding of children or to help children with sucking or teething.
- (b) "Children" means individuals who are 7 years old or younger.
- (c) "Consumer" means that term as used in the consumer product safety act, 15 USC 2051 to 2085.
- (d) "Person" means an individual, partnership, corporation, association, governmental entity, or other legal entity.
- (e) "Toxic substance" means a substance that contains lead, or a coating on an item that contains lead, so that the lead content is more than 0.06% of the total weight. Toxic substance does not include glass or crystal decorative components.
- (f) "Toy" means an article designed and made for the amusement of a minor or for the minor's use in play.

History: Add. 2007, Act 159, Eff. Mar. 20, 2008

Popular Name: Act 368

333.5492 Toxic substance in toy or child care article; prohibited conduct; exception.

Sec. 5492.

- (1) A person shall not use or apply a toxic substance in or on any toy or child care article in this state.
- (2) A person shall not sell, offer for sale, or transfer a toy or child care article in this state that contains a toxic substance.
- (3) This section does not apply to the sale of a collectible toy that is not marketed to or intended to be used by a minor.

History: Add. 2007, Act 159, Eff. Mar. 20, 2008

Popular Name: Act 368

333.5493 Violation; penalties; waiver.

Sec. 5493.

- (1) Except as otherwise provided in subsection (2), a person who violates this part is subject to the following:
 - (a) If the person is not an individual consumer and the violation is the person's first offense under this part, a civil fine of not more than \$100.00 per item not to exceed \$5,000.00 total.
 - (b) If a person is not an individual consumer and the violation is the person's second offense under this part, a civil fine of not more than \$500.00 per item not to exceed \$25,000.00 total.
 - (c) If the person is not an individual consumer and the violation is the person's third or subsequent offense under this part, a civil fine of not more than \$1,000.00 per item not to exceed \$50,000.00 total.
 - (d) If a person knowingly violates this part and the person is not an individual consumer, a civil fine equal to 3 times the amounts in subdivision (c).
- (2) A civil fine imposed under this section shall be waived if it is determined that a person acted in good faith to be in compliance with this part, pursued compliance with due diligence, and promptly corrected any noncompliance

after discovery of the violation.

History: Add. 2007, Act 159, Eff. Mar. 20, 2008

Popular Name: Act 368