

HOUSE BILL NO. 5406

January 23, 2020, Introduced by Reps. Pohutsky, LaGrand, Haadsma, Tyrone Carter, Whitsett, Coleman, Cynthia Johnson, Garza, Hood, Kennedy, Stone, Rabhi, Yancey, Ellison, Sneller, Tate, Bolden, Anthony, Manoogian, Cherry, Hope, Kuppa, Brixie, Sowerby, Sabo, Brenda Carter, Hammoud, Peterson, Lasinski, Wittenberg, Warren, Hoadley and Jones and referred to the Committee on Regulatory Reform.

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding part 55b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 **PART 55B. TOXIC SUBSTANCES IN COSMETICS**
2 **Sec. 5591. (1) As used in this part:**
3 **(a) "Adulterated cosmetic" means a cosmetic that contains any**
4 **of the following ingredients:**
5 **(i) Asbestos.**
6 **(ii) Lead.**



- 1 (iii) Dibutyl phthalate.
2 (iv) Diethylhexyl phthalate.
3 (v) Formaldehyde.
4 (vi) Formaldehyde releasers.
5 (vii) Mercury and related compounds.
6 (viii) Isobutylparaben.
7 (ix) Isopropylparaben.
8 (x) Butylparaben.

9 (b) "Cosmetic" means an article, or its components, intended
10 to be rubbed, poured, sprinkled, or sprayed on, introduced into, or
11 otherwise applied to, the human body, or a part of the human body,
12 for cleansing, beautifying, promoting attractiveness, or altering
13 the appearance. Cosmetic does not include soap.

14 (c) "Manufacture" means the preparation, compounding,
15 propagation, processing, or fabrication of a cosmetic. Manufacture
16 includes repackaging or otherwise changing the container, wrapper,
17 or labeling of a cosmetic in furtherance of the distribution of the
18 cosmetic. Manufacture does not include repackaging from a bulk
19 container by a retailer at the time of sale to its ultimate
20 consumer.

21 (2) In addition, article 1 contains general definitions and
22 principles of construction applicable to all articles in this code
23 and part 51 contains definitions applicable to this part.

24 Sec. 5592. A person shall not sell, offer for sale,
25 manufacture, or transfer to any person an adulterated cosmetic in
26 this state.

27 Sec. 5593. A person who violates this part may be ordered to
28 pay a civil fine of not more than \$1,000.00 for each day that the
29 violation continues. A violation of this part may be prosecuted by



1 the prosecutor of the county in which the violation occurred or by
2 the attorney general.

3 Enacting section 1. This amendatory act takes effect 90 days
4 after the date it is enacted into law.

