

AMENDED IN ASSEMBLY JUNE 5, 2008
AMENDED IN ASSEMBLY MAY 27, 2008
AMENDED IN SENATE JANUARY 14, 2008
AMENDED IN SENATE MAY 17, 2007
AMENDED IN SENATE MAY 3, 2007
AMENDED IN SENATE APRIL 10, 2007

SENATE BILL

No. 509

Introduced by Senator Simitian

February 22, 2007

An act to add Article 6 (commencing with Section 108670) to Chapter 5 of Part 3 of Division 104 of the Health and Safety Code, relating to consumer product safety.

LEGISLATIVE COUNSEL'S DIGEST

SB 509, as amended, Simitian. Consumer products: content information.

Existing law regulates the labeling and use of various consumer products, including toys and toxic household products.

This bill would ~~require a manufacturer or wholesaler of a consumer, commencing January 1, 2009, prohibit the manufacture or sale of a designated consumer product, as defined, on or before March 31, 2009, to provide a notice that lists all substances, identified by a number or other unique identifier, that are contained in that unless the manufacturer or seller of the product discloses each ingredient contained in the product by more than in an amount that exceeds $\frac{1}{10}$ of 1%, by either (1) affixing a label on the product, or providing an information sheet~~

accompanying the product at the time of sale, or (2) posting the information on the manufacturer's or wholesaler's Internet Web site. A manufacturer or wholesaler that does not maintain an Internet Web site would be required by the bill to establish such an Internet Web site. The bill would declare that its provisions are severable, and if any provision of the bill is held invalid, that invalidity would not affect other provisions or applications that can be given effect without the invalid provision or application, and would provide that its provisions shall only be implemented to the extent permitted by federal law.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Article 6 (commencing with Section 108670) is
 2 added to Chapter 5 of Part 3 of Division 104 of the Health and
 3 Safety Code, to read:

4
 5 Article 6. Consumer Product Content Information

6
 7 108670. The Legislature finds and declares all of the following:

8 (a) The federal Consumer Product Safety Act (15 U.S.C. Sec.
 9 2051 et seq.; the federal act) was enacted with the purpose of
 10 protecting the public against unreasonable risks of injury associated
 11 with consumer products, by assisting consumers in evaluating the
 12 comparative safety of consumer products, and developing uniform
 13 safety standards for those products.

14 (b) The federal act generally defines the term “consumer
 15 product” as a product produced or distributed for sale to a consumer
 16 for use in or around a household, a school, in recreation, or
 17 otherwise, but excludes certain items, including tobacco, motor
 18 vehicles, pesticides, drugs, devices, or cosmetics, and food.

19 (c) The state is aware of, and appreciates, the regulatory regime
 20 established by the federal act, but the federal act does not fully
 21 regulate the chemical exposure risks posed by many consumer
 22 products.

23 (d) The federal act provides that if a consumer product safety
 24 standard applies to a risk of injury associated with a consumer
 25 product, a state is prohibited from establishing a safety standard

1 or regulation that deals with the same risk of injury associated with
2 that consumer product.

3 (e) However, the federal act allows a state to impose safety
4 requirements that are more stringent than federal standards, if the
5 state standard is designed to protect against a risk of injury
6 associated with a consumer product and if the state standard
7 provides a higher degree of protection from that risk than the
8 federal standard.

9 (f) The informational requirements of this article would impose
10 additional safety requirements that do not deal with the same risk
11 of injury for consumer products that is associated with existing
12 consumer product safety standards under the federal act or that are
13 more stringent than the federal standards and provide a higher
14 degree of protection from risk.

15 108671. For purposes of this article, the following definitions
16 shall apply:

17 ~~(a) “Department” means the Department of Toxic Substances~~
18 ~~Control.~~

19 ~~(b)~~

20 (a) “Designated consumer product” means any product included
21 in the following categories:

22 (1) “Air care product” which means a chemically formulated
23 consumer product designed to affect indoor air.

24 (2) “Automotive product” which means a chemically formulated
25 consumer product designed to maintain the appearance of a motor
26 vehicle.

27 (3) “Cleaning product” which means a soap, detergent, or other
28 chemically formulated product designed for personal hygiene,
29 fabric care, dish or other ware washing, or surface cleaning.

30 (4) “Polish or floor maintenance product” which means a
31 chemically formulated consumer product such as polish, wax, or
32 a restorer, designed to polish, protect, or maintain furniture, floors,
33 metal, leather, or other surfaces.

34 ~~(e) “Manufacturer” means a person who manufactures a~~
35 ~~consumer product in this state.~~

36 ~~(d) “Wholesaler” means a person who purchases a consumer~~
37 ~~product, for resale in this state, from a person who did not~~
38 ~~manufacture the consumer product in this state.~~

39 108672. On or before March 31, 2009, a manufacturer or
40 wholesaler of a consumer product shall provide a notice that lists

1 all substances, identified by a number or other unique identifier,
2 that are contained in that product by more than one-tenth of 1
3 percent.

4 108673. ~~(a) A manufacturer or wholesaler shall provide the
5 notice required by Section 108672 by posting the information on
6 the manufacturer’s or wholesaler’s Internet Web site.~~

7 ~~(b) A manufacturer or wholesaler subject to this section that
8 does not maintain an Internet Web site shall establish an Internet
9 Web site for purposes of compliance with this article.~~

10 108674. ~~The provisions of this article are severable. If any
11 provision of this article or its application is held invalid, that
12 invalidity shall not affect other provisions or applications that can
13 be given effect without the invalid provision or application.~~

14 ~~(b) “Manufacturer” means a person or entity that manufactures
15 a designated consumer product in this state.~~

16 108672. *Commencing January 1, 2009, no designated product
17 may be manufactured or sold in this state unless the manufacturer
18 or seller of the product discloses each ingredient contained in the
19 product that exceeds an amount of one-tenth of 1 percent, by either
20 of the following methods:*

21 *(a) By affixing a label on the product, or providing an
22 information sheet accompanying the product at the time of sale
23 that lists the product ingredients.*

24 *(b) By posting the product ingredient information on the
25 manufacturer’s Internet Web site.*

26 108673. *The provisions of this article are severable. If any
27 provision of this article or its application is held invalid, that
28 invalidity shall not affect other provisions or applications that can
29 be given effect without the invalid provision or application.*

30 108674. *This article shall only be implemented to the extent
31 permitted by federal law.*