

AMENDED IN ASSEMBLY JUNE 12, 2008  
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**

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**Introduced by Senator Simitian**

February 22, 2007

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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~~, commencing January 1, 2009, *would* prohibit the manufacture or sale of a designated consumer product, as defined, unless the manufacturer ~~or seller of the product~~ discloses each ingredient contained in the product 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 Internet Web site. The bill would

*exclude from this prohibition a person engaged in the business of wholesale or retail distribution of a product. It 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:

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5 Article 6. Consumer Product Content Information

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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  
26 or regulation that deals with the same risk of injury associated with  
27 that consumer product.

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

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

13 108671. For purposes of this article, the following definitions  
14 shall apply:

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

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

19 (2) “Automotive product” which means a chemically formulated  
20 consumer product designed to maintain the appearance of a motor  
21 vehicle.

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

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

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

31 108672. (a) Commencing January 1, 2009, no designated  
32 product may be manufactured or sold in this state unless ~~the~~  
33 ~~manufacturer or seller of the product discloses~~ each ingredient  
34 contained in the product that exceeds an amount of one-tenth of 1  
35 percent; *is disclosed by the manufacturer* by either of the following  
36 methods:

37 (a)

38 (1) By affixing a label on the product, or providing an  
39 information sheet accompanying the product at the time of sale  
40 that lists the product ingredients.

1     ~~(b)~~

2     (2) By posting the product ingredient information on the  
3 manufacturer's Internet Web site.

4     ***(b) The prohibition contained in subdivision (a) shall not apply***  
5 ***to a person engaged in the business of wholesale or retail***  
6 ***distribution of a designated product.***

7     ***(c) Nothing in this section shall be interpreted to require the***  
8 ***seller of a product to which this article applies to take any action***  
9 ***with respect to the disclosure of the product's ingredients.***

10     108673. 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     108674. This article shall only be implemented to the extent  
15 permitted by federal law.