

AMENDED IN SENATE MARCH 25, 2010

SENATE BILL

No. 928

Introduced by Senator Simitian

February 1, 2010

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 928, as amended, Simitian. Consumer products: content information.

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

The bill would require a manufacturer or wholesaler of a *designated* consumer product, as defined, on or before March 31, 2011, to provide a notice that lists all substances, identified by a number or other unique identifier, that are contained in that product by more than $\frac{1}{10}$ of 1%, by posting that 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.

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

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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.

28 (e) However, the federal act allows a state to impose safety
29 requirements that are more stringent than federal standards, if the
30 state standard is designed to protect against a risk of injury
31 associated with a consumer product and if the state standard
32 provides a higher degree of protection from that risk than the
33 federal standard.

34 (f) The informational requirements of this article would impose
35 additional safety requirements that do not deal with the same risk
36 of injury for consumer products that is associated with existing
37 consumer product safety standards under the federal act or that are

1 more stringent than the federal standards and provide a higher
2 degree of protection from risk.

3 108671. For purposes of this article, the following definitions
4 shall apply:

5 ~~(a) “Consumer product” has the same meaning as defined in~~
6 ~~Section 2052 of Title 15 of the United States Code, as that section~~
7 ~~reads, on December 31, 2010.~~

8 ~~(b) “Department” means the Department of Toxic Substances~~
9 ~~Control.~~

10 (a) *“Designated consumer product” means a product included*
11 *in the following categories:*

12 (1) *“Air care product,” which means a chemically formulated*
13 *product designed to affect indoor air.*

14 (2) *“Automotive product,” which means a chemically formulated*
15 *product designed to maintain the appearance of a motor vehicle.*

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

19 (4) *“Polish or floor maintenance product,” which means a*
20 *chemically formulated product, including, but not limited to, a*
21 *polish, wax, or a restorer designed to polish, protect, or maintain*
22 *furniture, floors, metal, leather, or other surfaces.*

23 ~~(e)~~

24 (b) *“Manufacturer” means a person who manufactures a*
25 *designated consumer product in this state.*

26 ~~(d)~~

27 (c) *“Wholesaler” means a person who purchases a designated*
28 *consumer product, for resale in this state, from a person who did*
29 *not manufacture the designated consumer product in this state.*

30 108672. On or before March 31, 2011, a manufacturer or
31 wholesaler of a *designated* consumer product shall provide a notice
32 that lists all substances, identified by a number or other unique
33 identifier, that are contained in that product ~~by more than one-tenth~~
34 ~~of 1 percent.~~

35 108673. (a) A manufacturer or wholesaler shall provide the
36 notice required by Section 108672 by posting the information on
37 the manufacturer’s or wholesaler’s Internet Web site.

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

1 108674. The provisions of this article are severable. If any
2 provision of this article or its application is held invalid, that
3 invalidity shall not affect other provisions or applications that can
4 be given effect without the invalid provision or application.

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