

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 introduced, 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 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:

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

Article 6. Consumer Product Content Information

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

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

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

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

(d) The federal act provides that if a consumer product safety standard applies to a risk of injury associated with a consumer product, a state is prohibited from establishing a safety standard or regulation that deals with the same risk of injury associated with that consumer product.

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

(f) The informational requirements of this article would impose additional safety requirements that do not deal with the same risk of injury for consumer products that is associated with existing 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 (c) “Manufacturer” means a person who manufactures a
11 consumer product in this state.

12 (d) “Wholesaler” means a person who purchases a consumer
13 product, for resale in this state, from a person who did not
14 manufacture the consumer product in this state.

15 108672. On or before March 31, 2011, a manufacturer or
16 wholesaler of a consumer product shall provide a notice that lists
17 all substances, identified by a number or other unique identifier,
18 that are contained in that product by more than one-tenth of 1
19 percent.

20 108673. (a) A manufacturer or wholesaler shall provide the
21 notice required by Section 108672 by posting the information on
22 the manufacturer’s or wholesaler’s Internet Web site.

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

26 108674. 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.