

PUBLIC HEALTH CODE (EXCERPT)

Act 368 of 1978

PART 54B.

LEAD-BEARING SUBSTANCES

333.5481 Definitions.

Sec. 5481. As used in this part:

- (a) "Children" means individuals who are 7 years old or younger.
- (b) "Consumer" means that term as used in the consumer product safety act, 15 USC 2051 to 2085.
- (c) "Children's jewelry" means jewelry that is made for, marketed for use by, or marketed to children, including, but not limited to, the following:
 - (i) Jewelry represented in its packaging, display, or advertising as appropriate for use by children.
 - (ii) Jewelry sold in conjunction with, attached to, or packaged together with other products that are packaged, displayed, or advertised as appropriate for use by children.
 - (iii) Jewelry sized for children and not intended for use by adults.
 - (iv) Jewelry sold in a vending machine.
 - (v) Jewelry sold in a retail store, catalog, or online website in which a person exclusively offers for sale products that are packaged, displayed, or advertised as appropriate for use by children.
 - (vi) Jewelry sold in a discrete portion of a retail store, catalog, or online website in which a person offers for sale products that are packaged, displayed, or advertised as appropriate for use by children.
- (d) "Lead-bearing substance" means an item or substance that contains lead, or a coating on an item that contains lead, so that the lead content is more than 0.06% of the total weight. Lead-bearing substance does not include glass or crystal decorative components.
- (e) "Person" means an individual, partnership, corporation, association, governmental entity, or other legal entity.

History: Add. 2007, Act 161, Eff. Mar. 20, 2008.

Popular name: Act 368

333.5482 Children's jewelry; use or application of lead-bearing substance prohibited.

Sec. 5482. A person shall not use or apply a lead-bearing substance in or on any children's jewelry in this state.

History: Add. 2007, Act 161, Eff. Mar. 20, 2008.

Popular name: Act 368

333.5483 Children's jewelry containing lead-bearing substance; sale, offer for sale, or transfer prohibited.

Sec. 5483. A person shall not sell, offer for sale, or transfer to any person any children's jewelry in this state that contains a lead-bearing substance.

History: Add. 2007, Act 161, Eff. Mar. 20, 2008.

Popular name: Act 368

333.5484 Hazards of lead-bearing substances; posting information on website.

Sec. 5484. The department shall post on its website information about the hazards of lead-bearing substances and any programs it offers designed to educate individuals about those hazards.

History: Add. 2007, Act 161, Eff. Mar. 20, 2008.

Popular name: Act 368

333.5485 Lunch box containing lead-bearing substance; exception; "lunch box" defined.

Sec. 5485. (1) A person shall not sell or offer for sale in this state or for use in this state a lunch box that contains a lead-bearing substance.

(2) This section does not apply to the sale of a collectible lunch box or any other lunch box no longer intended to be used to carry food or drink for human consumption.

(3) As used in this section, "lunch box" means a fabricated container marketed or intended to be used to carry packaged or unpackaged food or drink for human consumption.

History: Add. 2007, Act 160, Eff. Mar. 20, 2008.

Popular name: Act 368

333.5486 Violations; penalties; waiver.

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Sec. 5486. (1) Except as otherwise provided in subsection (2), a person who violates this part is subject to the following:

(a) If the person is not an individual consumer and the violation is the person's first offense under this part, a civil fine of not more than \$100.00 per item, not to exceed \$5,000.00 total.

(b) If the person is not an individual consumer and the violation is the person's second offense under this part, a civil fine of not more than \$500.00 per item, not to exceed \$25,000.00 total.

(c) If the person is not an individual consumer and the violation is the person's third or subsequent offense under this part, a civil fine of not more than \$1,000.00 per item, not to exceed \$50,000.00 total.

(d) If a person knowingly violates this part and the person is not an individual consumer, a civil fine equal to 3 times the amounts in subdivision (c).

(2) A civil fine imposed under this section shall be waived if it is determined that a person acted in good faith to be in compliance with this part, pursued compliance with due diligence, and promptly corrected any noncompliance after discovery of the violation.

History: Add. 2007, Act 161, Eff. Mar. 20, 2008.

Popular name: Act 368