

Act No. 257  
Public Acts of 1994  
Approved by the Governor  
July 3, 1994  
Filed with the Secretary of State  
July 5, 1994

**STATE OF MICHIGAN  
87TH LEGISLATURE  
REGULAR SESSION OF 1994**

Introduced by Senators Wartner Welborn and McManus

**ENROLLED SENATE BILL No. 1106**

AN ACT to amend sections 103 and 303 of Act No. 299 of the Public Acts of 1980 entitled as amended An act to revise consolidate and classify the laws of this state regarding the regulation of certain occupations to create a board for each of those occupations to establish the powers and duties of certain departments and agencies and the boards of each occupation to provide for the promulgation of rules to provide for certain fees to provide for penalties and civil fines to establish rights relationships and remedies of certain persons under certain circumstances to repeal certain parts of this act on a specific date and to repeal certain acts and parts of acts section 303 as amended by Act No. 269 of the Public Acts of 1990 being sections 339 103 and 339 303 of the Michigan Compiled Laws to add section 805a and to repeal certain parts of the act

*The People of the State of Michigan enact*

Section 1 Sections 103 and 303 of Act No. 299 of the Public Acts of 1980 section 303 as amended by Act No. 269 of the Public Acts of 1990 being sections 339 103 and 339 303 of the Michigan Compiled Laws are amended and section 805a is added to read as follows

Sec 103 (1) Board means in each article which deals with a specific occupation the agency created in that article composed principally of members of the regulated occupation In all other contexts board means each agency created under this act

(2) Censure means an expression of disapproval of a licensee s or registrant s professional conduct which conduct is not necessarily a violation of this act or a rule promulgated or an order issued under this act

(3) Competence means a degree of expertise which enables a person to engage in an occupation at a level which meets or exceeds minimal standards of acceptable practice for the occupation

(4) Complaint means an oral or written grievance

(5) Controlled substance means a drug substance or immediate precursor as set forth in section 7212 7214 7216 7218 or 7220 of the public health code Act No 368 of the Public Acts of 1978 being sections 333 7212 333 7214 333 7216 333 7218 and 333 7220 of the Michigan Compiled Laws not excluded pursuant to section 7227 of Act No 368 of the Public Acts of 1978 being section 333 7227 of the Michigan Compiled Laws

Sec 303 (1) The term of a member appointed to a board shall be 4 years except that an individual appointed to fill a vacancy on a board which vacancy results from a member's resignation death disability or removal for cause by the governor shall serve for the balance of the term of the member replaced and may be reappointed for not more than 2 full terms A vacancy shall be filled in the same manner as the original appointment was made The governor shall appoint an individual as a member of a board subject to the advice and consent of the senate within 60 days after a vacancy occurs and within 60 days after the senate disapproves an appointment by the governor The governor may remove a member of a board or committee in accordance with section 10 of article V of the state constitution of 1963

(2) Except as provided in subsection (1) an individual shall not be appointed to or serve for more than 2 consecutive terms

(3) Subject to subsection (4) for a board created or first appointed on or after January 1 1990 the governor may appoint as the initial members of the board who are required to be licensed or registered individuals who meet either or both of the following qualifications

(a) Are certified or otherwise approved by a national organization that certifies or otherwise approves individuals in the occupation to be licensed or registered by the board

(b) Have actively practiced the occupation licensed or registered by the board or taught in an educational institution which prepares applicants for licensure or registration in that occupation or a combination of both for not less than the 2 years immediately preceding their appointment

(4) Within 3 years after October 17 1990 each individual appointed under subsection (3) shall be licensed or registered in the occupation licensed or registered by the board to which the individual was appointed

(5) Of the initial members of a board created or first appointed after January 1 1990 the terms of 3 of the members including 2 of the members who have a license or registration in the occupation which the board monitors and 1 of the members representing the general public shall be 4 years the terms of 2 of the members including 1 of the members who has a license or registration in the occupation which the board monitors and 1 of the members representing the general public shall be 3 years the terms of 2 of the members including 1 of the members who has a license or registration in the occupation which the board monitors and 1 of the members who represents the general public shall be 2 years and the terms of the remaining members shall be 1 year

Sec 805a (1) Until November 1 1995 this article does not apply to boxing elimination contests in which all of the following apply

(a) The contestants compete for prizes only in elimination contests and are not also professional boxers competing in 4 or more rounds of nonelimination boxing

(b) Each bout is scheduled to consist of 3 or fewer 1 minute rounds with contests conducted on no more than 2 consecutive calendar days

(c) Competing contestants are prohibited from boxing for more than 12 minutes on each contest day

(d) The contestants participating in the elimination contest are insured by the promoter for not less than \$1 000 00 for medical and hospital expenses to be paid to the contestants to cover injuries sustained in the contest

(e) A licensed physician is in attendance at ringside and the physician has authority to stop the contest for medical reasons

(f) All contestants pass a physical examination given by a licensed physician before the contest

(g) A preliminary breath test is administered to each contestant which indicates a blood alcohol content of .02% or less

(2) As part of the physical examination given before the contest the licensed physician or other trained person shall administer a preliminary breath test in compliance with standards imposed in rules promulgated by the department of state police regarding equipment calibration and methods of administration

(3) The promoter shall keep a log of preliminary breath test results of contestants on file at its place of business for at least 3 years after the date of administration of the test These results shall be made available to law enforcement officials upon request

(4) An elimination contest held pursuant to this section is not considered to be in violation of the law

Section 2 Sections 215 and 216 of Act No 299 of the Public Acts of 1980 being sections 339 215 and 339 216 of the Michigan Compiled Laws are repealed

This act is ordered to take immediate effect

Secretary of the Senate

Co Clerk of the House of Representatives

Approved

Governor