



HOUSE BILL No. 5099

October 12, 1993, Introduced by Reps. Mathieu, Gubow, DeLange and Profit and referred to the Committee on Judiciary.

A bill to amend sections 2255 and 16296 of Act No. 368 of the Public Acts of 1978, entitled as amended "Public health code," being sections 333.2255 and 333.16296 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 2255 and 16296 of Act No. 368 of the
2 Public Acts of 1978, being sections 333.2255 and 333.16296 of the
3 Michigan Compiled Laws, are amended to read as follows:

4 Sec. 2255. (1) Notwithstanding the existence and pursuit
5 of any other remedy, the department, without posting bond, may
6 maintain injunctive action in the name of the people of this
7 state to restrain, prevent, or correct a violation of a law,
8 rule, or order which the department has the duty to enforce or to

1 restrain, prevent, or correct an activity or condition which the
2 department believes adversely affects the public health.

3 (2) NOTWITHSTANDING THE EXISTENCE AND PURSUIT OF ANY OTHER
4 REMEDY, AN AFFECTED PERSON MAY MAINTAIN INJUNCTIVE ACTION TO
5 RESTRAIN OR PREVENT A PERSON FROM VIOLATING SECTION 16294, 16296,
6 OR 16299. IF SUCCESSFUL IN OBTAINING RELIEF, THE AFFECTED PERSON
7 SHALL BE ENTITLED TO ACTUAL COSTS AND ATTORNEY FEES. AS USED IN
8 THIS SUBSECTION, "AFFECTED PERSON" MEANS A PERSON DIRECTLY
9 AFFECTED BY THE ACTIONS OF A PERSON SUSPECTED OF VIOLATING SEC-
10 TION 16294, 16296, OR 16299 AND INCLUDES, BUT IS NOT LIMITED TO,
11 A BOARD ESTABLISHED PURSUANT TO THIS ACT, A PERSON WHO HAS UTI-
12 LIZED THE SERVICES OF THE PERSON SUSPECTED OF VIOLATING SECTION
13 16294, 16296, OR 16299, OR A PRIVATE ASSOCIATION COMPOSED PRIMAR-
14 ILY OF MEMBERS OF THE OCCUPATION IN WHICH THE PERSON SUSPECTED OF
15 VIOLATING SECTION 16294, 16296, OR 16299 IS PRACTICING OR HOLDS
16 HIMSELF OR HERSELF OUT AS PRACTICING WITHOUT A LICENSE OR UNDER A
17 SUSPENDED, REVOKED, OR FRAUDULENTLY OBTAINED LICENSE OR OUTSIDE
18 THE PROVISIONS OF A LIMITED LICENSE, WHO USES THE LICENSE OF
19 ANOTHER AS HIS OR HER OWN, OR USES A TITLE REGULATED UNDER THIS
20 ACT WITHOUT BEING REGISTERED.

21 Sec. 16296. A person who uses a title regulated by this
22 article without a registration or under a suspended, revoked, or
23 fraudulently obtained registration, or who uses as his or her own
24 the registration of another person is guilty of a misdemeanor,
25 punishable as follows:

1 (a) For the first offense, by imprisonment for not more than
2 90 days, or a fine of ~~-\$100.00~~ NOT MORE THAN \$5,000.00, or
3 both.

4 (b) For the second or subsequent offense, by imprisonment
5 for not less than 60 days ~~nor~~ OR more than 1 year, or a fine of
6 not ~~less~~ MORE than ~~\$300.00 nor more than \$1,000.00, or both~~
7 \$10,000.00.

8 Section 2. This amendatory act shall not take effect unless
9 all of the following bills of the 87th Legislature are enacted
10 into law:

11 (a) Senate Bill No. _____ or House Bill No. 5100
12 (request no. 01988'93 a).

13 (b) Senate Bill No. _____ or House Bill No. 5098
14 (request no. 01988'93 b).