



HOUSE BILL No. 4188

January 30, 1995, Introduced by Rep. Schroer and referred to the Committee on Commerce.

A bill to amend section 4 of Act No. 188 of the Public Acts of 1965, entitled as amended "Hazardous substances act," being section 286.454 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 4 of Act No. 188 of the Public Acts of
2 1965, being section 286.454 of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 4. The following acts and the causing ~~thereof~~ OF THE
5.FOLLOWING ACTS are prohibited:

6 (a) The introduction or delivery for introduction into
7 intrastate commerce of a misbranded, banned hazardous substance,
8 or toy.

9 (b) The alteration, mutilation, destruction, obliteration,
10 or removal of the whole or any part of the label of, or the doing

1 of any other act with respect to, a hazardous substance, if that
2 act is done while the substance is in intrastate commerce, or
3 while the substance is held for sale, whether or not the first
4 sale, after shipment in intrastate commerce, and results in the
5 hazardous substance being a misbranded or banned hazardous
6 substance.

7 (c) The receipt in intrastate commerce of a misbranded or
8 banned hazardous substance and the delivery or proffered delivery
9 ~~thereof~~ OF A MISBRANDED OR BANNED HAZARDOUS SUBSTANCE for pay
10 or otherwise.

11 (d) The giving of a FALSE guarantee or undertaking, ~~which~~
12 ~~guarantee or undertaking is false,~~ except by a person who relied
13 upon a guarantee or undertaking to the same effect signed by, and
14 containing the name and address of, the persons residing in the
15 United States from whom he received in good faith the hazardous
16 substance.

17 (e) The failure to permit entry or inspection as authorized
18 by section 10 or to permit access to and copying of any record as
19 authorized by section 11.

20 (f) The introduction or delivery for introduction into
21 intrastate commerce, or the receipt in intrastate commerce and
22 subsequent delivery or proffered delivery for pay or otherwise,
23 of a hazardous substance in a reused food, drug, or cosmetic con-
24 tainer or in a container which, though not a reused container, is
25 identifiable as a food, drug, or cosmetic container by its label-
26 ing or by other identification. The reuse of a food, drug, or
27 cosmetic container as a container for a hazardous substance

1 ~~shall be deemed to be~~ IS an act ~~which~~ THAT results in the
2 hazardous substance being a misbranded or banned hazardous
3 substance. As used in this paragraph, the terms "food", "drug",
4 and "cosmetic" ~~shall have the same meanings as~~ MEAN THOSE TERMS
5 AS DEFINED in the federal food, drug, and cosmetic act, CHAPTER
6 675, 52 STAT. 1040, 21 U.S.C. ~~sections 301 to 392~~ 301 TO 321,
7 331 TO 343-1, 344 TO 346a, 347, 348 TO 353, 355 TO 360, 360b TO
8 376, AND 378 TO 395.

9 (g) The use by a person to his OR HER own advantage, or
10 revealing other than to the administrator or officers or employ-
11 ees of the agency, or to the courts ~~when~~ IF relevant in a judi-
12 cial proceeding under this act, of information acquired under
13 authority of section 10 concerning a method ~~of~~ OR process
14 ~~which~~ THAT as a trade secret is entitled to protection.

15 (h) The manufacture of a misbranded hazardous substance or
16 banned hazardous substance within this state.

17 (i) The introduction or reintroduction into intrastate com-
18 merce of a misbranded hazardous substance or banned hazardous
19 substance, either denominated as such by rule or embargoed by the
20 administrator, without first submitting samples, purportedly free
21 of hazardous characteristics, to the administrator for inspection
22 and receiving a determination by the administrator that the
23 hazard is eliminated.

24 (J) THE SALE, RESALE, INTRODUCTION INTO INTERSTATE COMMERCE,
25 OR DELIVERY FOR INTRODUCTION INTO INSTRASTATE COMMERCE OF A TOY,
26 GAME, ARTICLE OF FOOTWEAR, OR ARTICLE OF CLOTHING THAT CONTAINS
27 MERCURY. THIS SUBDIVISION INCLUDES A TOY, GAME, ARTICLE OF

1 FOOTWEAR, OR ARTICLE OF CLOTHING THAT CONTAINS AN ELECTRICAL OR
2 OTHER COMPONENT CONTAINING MERCURY.