

SENATE BILL No. 940

February 3, 2004, Introduced by Senator JACOBS and referred to the Committee on
Commerce and Labor.

A bill to amend 1974 PA 154, entitled
"Michigan occupational safety and health act,"
by amending section 61 (MCL 408.1061), as amended by 1996 PA
437.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 61. (1) An employer shall make, keep, and preserve
2 accurate and timely records and reports of work illnesses and
3 injuries and report the information to the appropriate department
4 in a form and in accordance with rules promulgated by the
5 departments under authority of this act for the purpose of
6 developing information regarding the causes and prevention of
7 occupational illnesses and injuries. ~~The employer shall notify~~
8 ~~the department of consumer and industry services within 8 hours~~
9 ~~of a fatality or any hospitalization of 3 or more employees~~
10 ~~suffering injury from the same accident or illness from exposure~~

1 ~~to the same health hazard associated with their employment.~~

2 (2) An employer shall maintain accurate records of employee
3 exposures to potentially toxic substances or harmful physical
4 agents that are required to be monitored or measured by standards
5 promulgated by the commissions. An employee or former employee
6 shall have access to those records that indicate the employee's
7 or former employee's own exposure to toxic materials or harmful
8 physical agents.

9 (3) An employer shall promptly notify an employee who was or
10 is being exposed to toxic materials or harmful physical agents in
11 concentrations or at levels that exceed those prescribed by a
12 rule or standard promulgated under this act, and shall inform an
13 employee who is being exposed to those toxic materials or harmful
14 physical agents of the corrective action being taken.

15 (4) This act does not negate the record keeping and reporting
16 requirements prescribed by sections 18 and 24 of the occupational
17 safety and health act of 1970, ~~Public Law 91-596, 29 U.S.C. 667~~
18 ~~and 673~~ 29 USC 667 and 673.

19 (5) An employer shall notify the department of consumer and
20 industry services within 8 hours of a fatality, a serious injury,
21 or any hospitalization of 3 or more employees suffering any
22 injury from the same accident or illness from exposure to the
23 same health hazard associated with their employment, and the
24 department shall promptly conduct an investigation under section
25 29 of that fatality, serious injury, or hospitalization.

26 (6) As used in subsection (5), "serious injury" means bodily
27 injury to an individual that involves a substantial risk of

1 death, unconsciousness, extreme physical pain, protracted and
2 obvious disfigurement, or protracted loss or impairment of the
3 function of a bodily member, organ, or mental faculty. The term
4 includes, but is not limited to, any of the following:

5 (a) Loss of a limb or use of a limb.

6 (b) Loss of a hand, foot, finger, or thumb or use of a hand,
7 foot, finger, or thumb.

8 (c) Loss of an eye or ear or use of an eye or ear.

9 (d) Loss or substantial impairment of a bodily function.

10 (e) Serious visible disfigurement.

11 (f) A comatose state.

12 (g) Measurable brain damage or mental impairment.

13 (h) A skull fracture or other serious bone fracture.

14 (i) Subdural hemorrhage or hematoma.

15 (j) Any other specific injury consistent with this subsection
16 that the department of consumer and industry services designates
17 by rule as a serious injury.