

# HOUSE BILL No. 5328

February 9, 2016, Introduced by Reps. Wittenberg, Faris, Hoadley, Pagan, Plawecki, Schor, Greig, Brinks, Liberati, Chirkun, Sarah Roberts, Moss, Gay-Dagnogo, Banks, Townsend, LaVoy, Hovey-Wright and Lane and referred to the Committee on Commerce and Trade.

A bill to amend 1974 PA 154, entitled  
"Michigan occupational safety and health act,"  
by amending section 5 (MCL 408.1005), as amended by 2012 PA 447.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 5. (1) "Employee" means a person permitted to work by an  
2 employer, **INCLUDING AN INDIVIDUAL WHO IS PERFORMING WORK PRIMARILY**  
3 **FOR EDUCATIONAL PURPOSES, SUCH AS A STUDENT INTERN, WHETHER OR NOT**  
4 **THE INDIVIDUAL RECEIVES PAYMENT OR ANY OTHER FORM OF COMPENSATION**  
5 **OR BENEFIT FOR THE WORK.**

6       (2) "Employer" means an individual or organization, including  
7 ~~the~~ **THIS** state or a political subdivision, ~~which~~ **THAT** employs 1 or  
8 more persons.

9       (3) "Imminent danger" means a condition or practice in a place  
10 of employment which is such that a danger exists which could

1 reasonably be expected to cause death or serious physical harm  
2 either immediately or before the imminence of the danger can be  
3 eliminated through the enforcement procedures otherwise provided. A  
4 container of an unknown and unlabeled chemical or a container of  
5 hazardous chemicals that is not labeled or for which a safety data  
6 sheet is not available as required by the standard incorporated by  
7 reference in section 14a shall be considered an imminent danger  
8 after ~~meeting the provisions of~~ **TAGGING UNDER** section 31.

9 (4) "Inspection" means the examination or survey of a place of  
10 employment to detect the presence of an existing or potential  
11 occupational safety or health hazard or to determine compliance  
12 with this act, rules or standards promulgated, or orders issued  
13 pursuant to this act.

14 (5) "Investigation" means the detailed evaluation or study of  
15 working conditions, including equipment, processes, substances, air  
16 contaminants, or physical agents with respect to the actual or  
17 potential occurrence of occupational accidents, illnesses, or  
18 diseases.

19 Enacting section 1. This amendatory act takes effect 90 days  
20 after the date it is enacted into law.