

Act No. 206  
Public Acts of 2016  
Approved by the Governor  
June 21, 2016  
Filed with the Secretary of State  
June 22, 2016  
EFFECTIVE DATE: September 20, 2016

**STATE OF MICHIGAN  
98TH LEGISLATURE  
REGULAR SESSION OF 2016**

Introduced by Reps. Lucido, Barrett and Kosowski

# **ENROLLED HOUSE BILL No. 5339**

AN ACT to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” by amending section 5701 (MCL 333.5701), as added by 1987 PA 48.

*The People of the State of Michigan enact:*

Sec. 5701. (1) As used in this part:

- (a) “Agent orange” means the chemical herbicide made from chemicals known as 2,4-Dichlorophenoxyacetic acid and its esters, or 2,4-D, and Trichlorophenoxyacetic acid and its esters, or 2,4,5-T.
- (b) “Chemical agent” means a chemical herbicide or defoliant other than agent orange, or a chemical weapon, which chemical herbicide, defoliant, or weapon is of the type used by the armed forces of the United States.
- (c) “Commission” means the agent orange commission created in section 5731.
- (d) “Department” means the department of health and human services in cooperation with the veterans’ service offices.
- (e) “Dioxin” means the chemicals known as 2,3,7,8-Tetrachlorodibenzo-p-dioxin, or 2,3,7,8-TCDD.
- (f) “Hospital” means a hospital licensed pursuant to article 17.
- (g) “Information resource center” means the agent orange information resource center created in section 5745.
- (h) “Physician” means a physician licensed pursuant to article 15.
- (i) “Veteran” means that term as defined in section 1 of 1965 PA 190, MCL 35.61.

(j) "Vietnam-era veteran" means a veteran who served in the armed forces of the United States between 12:01 a.m., January 1, 1961, and 12:01 a.m., September 1, 1973, and who meets either of the following criteria:

(i) Has been a resident of this state continuously since June 11, 1987.

(ii) Is a resident of this state at the time he or she begins participating in testing or other activities under this part, and was a resident of this state at the time of induction into the armed forces of the United States.

(2) In addition, article 1 contains general definitions and principles of construction applicable to all articles in this code.

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

Enacting section 2. This amendatory act does not take effect unless House Bill No. 5332 of the 98th Legislature is enacted into law.

This act is ordered to take immediate effect.



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Clerk of the House of Representatives



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Secretary of the Senate

Approved .....

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Governor