

HOUSE BILL NO. 4330

February 24, 2021, Introduced by Reps. Damoose, O'Malley, Beeler, Borton, Roth, Maddock, Martin, Steven Johnson, Paquette, Allor, Fink, Filler, LaFave and Meerman and referred to the Committee on Government Operations.

A bill to amend 1974 PA 154, entitled "Michigan occupational safety and health act," by amending sections 21 and 24 (MCL 408.1021 and 408.1024), section 21 as amended by 2012 PA 416 and section 24 as amended by 2012 PA 447, and by adding section 25.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 21. (1) Standards promulgated by the former general
2 industry safety standards commission and standards promulgated by
3 the former construction safety standards commission under this act

1 that are in effect on ~~the effective date of the amendatory act that~~
2 ~~repealed section 15 of this act~~ **December 27, 2012** are continued
3 under section 31 of the administrative procedures act of 1969, 1969
4 PA 306, MCL 24.231.

5 (2) ~~The~~ **Subject to section 25, the** director shall promulgate
6 an emergency safety standard in compliance with section 48 of the
7 administrative procedures act of 1969, 1969 PA 306, MCL 24.248, if
8 the emergency safety standard is necessary to protect employees. If
9 the director promulgates an emergency standard on a matter
10 addressed by a federal standard, the director shall promulgate a
11 standard that is substantially similar to the federal standard
12 unless he or she determines and certifies that the federal standard
13 is clearly inconsistent with the criteria set forth in section 9,
14 16, or 19, or a combination thereof.

15 (3) Except for a standard adopted by reference pursuant to
16 section 14, a standard approved by the director pursuant to section
17 16 or 19 shall be promulgated pursuant to the administrative
18 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

19 Sec. 24. (1) Standards governing occupational health
20 promulgated by the director of public health that are in effect on
21 ~~the effective date of the amendatory act that repealed section 23~~
22 ~~of this act~~ **December 27, 2021** are continued under section 31 of the
23 administrative procedures act of 1969, 1969 PA 306, MCL 24.231.

24 (2) The director shall promulgate an occupational health
25 standard pursuant to the administrative procedures act of 1969,
26 1969 PA 306, MCL 24.201 to 24.328, except for standards adopted by
27 reference pursuant to section 14.

28 (3) When promulgating occupational health standards, the
29 director shall promulgate a standard that most adequately assures,

1 to the extent feasible and on the basis of the best available
2 evidence, that an employee will not suffer material impairment of
3 health or functional capacity, even if the employee has regular
4 exposure to a hazard dealt with by the standard for the period of
5 his or her working life.

6 (4) ~~The~~ **Subject to section 25, the** director shall promulgate
7 an emergency standard pursuant to section 48 of the administrative
8 procedures act of 1969, 1969 PA 306, MCL 24.248, if the director
9 finds that employees are exposed to substances or agents determined
10 to be toxic or physically harmful and the emergency standard is
11 necessary to protect employees from that danger. If the director
12 promulgates an emergency standard on a matter addressed by a
13 federal standard, the director shall promulgate a standard that is
14 substantially similar to the federal standard unless he or she
15 determines and certifies that the federal standard is clearly
16 inconsistent with the criteria set forth in section 9 or ~~24~~ **this**
17 **section.**

18 (5) An occupational health standard shall prescribe
19 appropriate forms of warning that are necessary to insure that
20 employees are apprised of health hazards to which they are exposed,
21 relevant symptoms, and the conditions and precautions for safe use
22 or exposure, including appropriate emergency treatment. If
23 appropriate, a standard shall prescribe suitable protective
24 equipment, control, or technological procedures to be used and
25 shall require an employer to monitor or measure employee exposure,
26 to allow employees or their representatives to observe the
27 monitoring and have access to the records of the monitoring, and to
28 conduct the monitoring in a manner that is necessary for the
29 protection of the employees' health. Former employees shall have

1 access to the records indicating their exposure to toxic materials
2 and harmful physical agents.

3 (6) If appropriate, the director shall prescribe by standard
4 that medical examinations or tests are made available, at the
5 employer's cost, to employees to determine if they are adversely
6 affected by exposure to health hazards. If the examination is
7 performed by a physician other than a physician who is retained for
8 that purpose by the employer, the employer is responsible only for
9 the reasonable costs of the examination, and only for costs related
10 to the performance of the examination required by the standard. The
11 results of the examinations or tests shall be furnished to the
12 employer, the employee, and upon request of the employee, to the
13 employee's personal physician. Upon request of the director, the
14 employer shall furnish results of the examinations or tests to the
15 director. However, this act does not authorize or require medical
16 examinations, immunizations, or treatments for those who object to
17 them on religious grounds, except if necessary for the protection
18 of the health or safety of others.

19 **Sec. 25. (1) An emergency safety standard promulgated under**
20 **section 21(2) or an emergency standard promulgated under section**
21 **24(4) is valid for the time period specified in the standard or**
22 **until the standard has been in effect for 30 days, whichever is**
23 **sooner.**

24 (2) A standard described in subsection (1) is not valid after
25 the expiration of the applicable time period under subsection (1)
26 unless a request from the director to extend the standard for a
27 specific number of days is approved by resolution of both houses of
28 the legislature.

29 Enacting section 1. This amendatory act does not take effect

- 1 unless Senate Bill No. ____ or House Bill No. 4329 (request no.
- 2 01622'21 a *) of the 101st Legislature is enacted into law.