

SENATE BILL No. 264

May 5, 1987, Introduced by Senators DI NELLO, GEAKE, CROPSEY and
DE GROW and referred to the Committee on Health Policy.

A bill authorizing the governor to proclaim a state of emergency under certain circumstances; to prescribe the powers and duties of certain state and local agencies and officers in relation to the state of emergency; and to prescribe penalties.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Adulterated" means adulterated as determined under the
3 Michigan food law of 1968, Act No. 39 of the Public Acts of 1968,
4 being sections 289.701 to 289.727 of the Michigan Compiled Laws.

5 (b) "Consumer product" means any food or beverage that is
6 consumed by humans and any medicine including a prescription drug
7 that is consumed or used by humans.

8 (c) "Retailer" means a place of business that offers
9 consumer products for sale to the general public.

1 Sec. 2. (1) If the governor has a reasonable basis to
2 believe that a consumer product has been adulterated and presents
3 a threat to public safety and health, the governor may declare a
4 public health state of emergency and order any of the following
5 with regard to that consumer product:

6 (a) The removal of the consumer product from public display
7 in all retail establishments.

8 (b) That the consumer product shall not be sold or offered
9 for sale during the state of emergency.

10 (c) That any retailer possessing the consumer product shall
11 deliver the product or a portion of the product to designated law
12 enforcement or public health officials.

13 (d) Any other limitations, controls, or prohibitions consid-
14 ered necessary by the governor regarding the manufacture, impor-
15 tation, sale, or transportation of the consumer product.

16 (2) Any order issued under subsection (1) may be amended or
17 rescinded at any time by the governor.

18 Sec. 3. The state shall not be liable for removal or costs
19 related to the removal of consumer products from public display
20 under section 2(1)(a).

21 Sec. 4. The state or an agent of the state acting pursuant
22 to a public health state of emergency declared under this act
23 shall not be liable for any damages or loss incurred because of
24 any action taken pursuant to an order issued under section 2.

25 Sec. 5. A public health state of emergency declared under
26 this act shall exist for 60 days and shall be renewable by the
27 governor for an additional 30 days, at which time the public

1 health state of emergency shall end unless renewed by concurrent
2 resolution passed by both houses of the legislature. An amend-
3 ment to an order of public health state of emergency shall not be
4 considered a new order.

5 Sec. 6. (1) An order or amended order issued under this act
6 shall be disseminated promptly by means calculated to bring its
7 contents to the attention of the general public and shall be
8 filed promptly with the secretary of state and the department of
9 state police.

10 (2) The governor shall notify the legislature promptly of an
11 order, amended order, or rescinded order issued under this act.

12 Sec. 7. (1) A person who knowingly violates this act or an
13 order issued by the governor under this act is guilty of a misde-
14 meanor punishable by a fine of not more than \$500.00. Each day a
15 violation continues is a separate offense.

16 (2) The attorney general, at the direction of the governor,
17 or a prosecuting attorney of a county may bring an action in a
18 court of competent jurisdiction to prevent a violation of this
19 act or an order issued pursuant to this act, or to compel a
20 person to perform a duty imposed on the person under this act or
21 an order issued under this act.