



# HOUSE BILL No. 5591

May 31 1994 Introduced by Reps Schroer and Baade and referred to the Committee on Conservation Environment and Great Lakes

A bill to amend section 4 of Act No 188 of the Public Acts of 1965, entitled as amended  
'Hazardous substances act,  
being section 286 454 of the Michigan Compiled Laws

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Section 4 of Act No 188 of the Public Acts of  
2 1965 being section 286 454 of the Michigan Compiled Laws, is  
3 amended to read as follows

4 Sec 4 The following acts and the causing ~~thereof~~ OF THE  
5 FOLLOWING ACTS are prohibited

6 (a) The introduction or delivery for introduction into  
7 intrastate commerce of a misbranded, banned hazardous substance,  
8 or toy

9 (b) The alteration, mutilation, destruction, obliteration,  
10 or removal of the whole or any part of the label of, or the doing

1 of any other act with respect to a hazardous substance, if that  
2 act is done while the substance is in intrastate commerce or  
3 while the substance is held for sale whether or not the first  
4 sale after shipment in intrastate commerce, and results in the  
5 hazardous substance being a misbranded or banned hazardous  
6 substance

7 (c) The receipt in intrastate commerce of a misbranded or  
8 banned hazardous substance and the delivery or proffered delivery  
9 ~~thereof~~ OF A MISBRANDED OR BANNED HAZARDOUS SUBSTANCE for pay  
10 or otherwise

11 (d) The giving of a FALSE guarantee or undertaking, ~~which~~  
12 ~~guarantee or undertaking is false,~~ except by a person who relied  
13 upon a guarantee or undertaking to the same effect signed by and  
14 containing the name and address of the persons residing in the  
15 United States from whom he received in good faith the hazardous  
16 substance

17 (e) The failure to permit entry or inspection as authorized  
18 by section 10 or to permit access to and copying of any record as  
19 authorized by section 11

20 (f) The introduction or delivery for introduction into  
21 intrastate commerce, or the receipt in intrastate commerce and  
22 subsequent delivery or proffered delivery for pay or otherwise,  
23 of a hazardous substance in a reused food, drug, or cosmetic con-  
24 tainer or in a container which, though not a reused container, is  
25 identifiable as a food drug or cosmetic container by its label-  
26 ing or by other identification The reuse of a food drug or  
27 cosmetic container as a container for a hazardous substance

1 ~~shall be deemed to be~~ IS an act ~~which~~ THAT results in the  
 2 hazardous substance being a misbranded or banned hazardous  
 3 substance As used in this paragraph, the terms food , drug ,  
 4 and 'cosmetic ~~shall have the same meanings as~~ MEAN THOSE TERMS  
 5 AS DEFINED in the federal food drug and cosmetic act, CHAPTER  
 6 675, 52 STAT 1040 21 U S C ~~sections 301 to 392~~ 301 TO 321  
 7 331 TO 343-1 344 TO 346a 347 348 TO 353, 355 TO 360 360b TO  
 8 376, AND 378 TO 395

9 (g) The use by a person to his OR HER own advantage or  
 10 revealing other than to the administrator or officers or employ-  
 11 ees of the agency, or to the courts ~~when~~ IF relevant in a judi-  
 12 cial proceeding under this act, of information acquired under  
 13 authority of section 10 concerning a method ~~of~~ OR process  
 14 ~~which~~ THAT as a trade secret is entitled to protection

15 (h) The manufacture of a misbranded hazardous substance or  
 16 banned hazardous substance within this state

17 (i) The introduction or reintroduction into intrastate com-  
 18 merce of a misbranded hazardous substance or banned hazardous  
 19 substance either denominated as such by rule or embargoed by the  
 20 administrator without first submitting samples, purportedly free  
 21 of hazardous characteristics to the administrator for inspection  
 22 and receiving a determination by the administrator that the  
 23 hazard is eliminated

24 (J) THE SALE RESALE INTRODUCTION INTO INTERSTATE COMMERCE  
 25 OR DELIVERY FOR INTRODUCTION INTO INTRASTATE COMMERCE OF A TOY,  
 26 GAME ARTICLE OF FOOTWEAR OR ARTICLE OF CLOTHING THAT CONTAINS  
 27 MERCURY THIS SUBDIVISION INCLUDES A TOY, GAME ARTICLE OF

1 FOOTWEAR, OR ARTICLE OF CLOTHING THAT CONTAINS AN ELECTRICAL OR  
2 OTHER COMPONENT CONTAINING MERCURY