HOUSE BILL No. 5565

April 24, 2012, Introduced by Reps. Brown, Bledsoe, Lipton, Bauer, Tlaib and Byrum and referred to the Committee on Energy and Technology.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding sections 61506d, 61531, 61532, 61533, 61534, 61535, 61536, and 61537.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

SEC. 61506D. IN ADDITION TO OTHER REQUIREMENTS OF THIS PART, SECTIONS 61531 TO 61537 APPLY TO WELLS THAT ARE USED OR ARE INTENDED FOR USE FOR HYDRAULIC FRACTURING TREATMENTS.

SEC. 61531. AS USED IN THIS SECTION AND IN SECTIONS 61532 TO 61537:

(A) "ADDITIVE" MEANS ANY SUBSTANCE OR COMBINATION OF SUBSTANCES FOUND IN A HYDRAULIC FRACTURING FLUID, INCLUDING A PROPPANT, THAT IS ADDED TO A BASE FLUID IN THE CONTEXT OF A
HYDRAULIC FRACTURING TREATMENT, WHETHER OR NOT THE FUNCTION OF ANY SUCH SUBSTANCE OR COMBINATION OF SUBSTANCES IS TO CREATE FRACTURES IN A FORMATION.

(B) "APPLICANT" MEANS AN APPLICANT FOR A PERMIT UNDER THIS PART FOR A NATURAL GAS WELL.

(C) "BASE FLUID" MEANS THE BASE FLUID TYPE USED IN A PARTICULAR HYDRAULIC FRACTURING TREATMENT, SUCH AS WATER, INCLUDING FRESH WATER AND RECYCLED WATER, NITROGEN GAS AND FOAM FLUIDS, AND HYDROCARBON GAS.

(D) "CHEMICAL ABSTRACTS SERVICE" OR "CAS" MEANS THE CHEMICAL REGISTRY THAT IS THE AUTHORITATIVE COLLECTION OF DISCLOSED CHEMICAL SUBSTANCE INFORMATION.

(E) "CHEMICAL ABSTRACTS SERVICE REGISTRY NUMBER" OR "CAS NUMBER" MEANS THE UNIQUE IDENTIFICATION NUMBER ASSIGNED BY THE CHEMICAL ABSTRACTS SERVICE TO A CHEMICAL INGREDIENT.

(F) "CHEMICAL INGREDIENT" MEANS A DISCRETE CHEMICAL CONSTITUENT WITH ITS OWN SPECIFIC NAME OR IDENTITY, SUCH AS A CAS NUMBER, THAT IS CONTAINED IN AN ADDITIVE.

(G) "FRACTURING ADDITIVE SYSTEM" MEANS A SPECIFIC COMBINATION OF ADDITIVES THAT IS MADE AVAILABLE AS A TOTAL SYSTEM THAT IS DESIGNED TO SERVE MULTIPLE PURPOSES AND IS ADDED TO A BASE FLUID IN THE CONTEXT OF A HYDRAULIC FRACTURING TREATMENT.

(H) "HEALTH PROFESSIONAL" MEANS A PHYSICIAN, INDUSTRIAL HYGIENIST, TOXICOLOGIST, EPIDEMIOLOGIST, NURSE, OR EMERGENCY RESPONDER PROVIDING MEDICAL OR OTHER HEALTH SERVICES TO A PERSON EXPOSED TO A CHEMICAL INGREDIENT.

(I) "HYDRAULIC FRACTURING FLUID" MEANS THE FLUID USED TO
PERFORM A PARTICULAR HYDRAULIC FRACTURING TREATMENT AND INCLUDES
THE APPLICABLE BASE FLUID AND ALL ADDITIVES.

(J) "HYDRAULIC FRACTURING TREATMENT" MEANS THE ACTION OF
STIMULATING A WELL BY THE APPLICATION OF HYDRAULIC FRACTURING FLUID
UNDER PRESSURE TO CREATE FRACTURES IN A FORMATION IN ORDER TO
ENHANCE PRODUCTION OF HYDROCARBONS.

(K) "MASTER LIST" MEANS A LIST OF ALL CHEMICAL INGREDIENTS,
AND THEIR ASSOCIATED CAS NUMBERS, THAT WERE USED BY A PERMITTEE OR
A SERVICE COMPANY, OR WERE SUPPLIED BY A SUPPLIER TO A PERMITTEE OR
A SERVICE COMPANY, DURING A CALENDAR YEAR IN CONNECTION WITH ANY
HYDRAULIC FRACTURING TREATMENTS CONDUCTED IN THIS STATE.

(I) "MATERIAL SAFETY DATA SHEET" MEANS A MATERIAL SAFETY DATA

(M) "PERMITTEE" MEANS A PERSON THAT HAS BEEN ISSUED A PERMIT
UNDER THIS PART FOR A NATURAL GAS WELL.

(N) "PROPPANT" MEANS SAND OR ANOTHER NATURAL OR MAN-MADE
MATERIAL THAT IS USED IN A HYDRAULIC FRACTURING TREATMENT TO
PREVENT ARTIFICIALLY CREATED OR ENHANCED FRACTURES FROM CLOSING
ONCE THE TREATMENT IS COMPLETED.

(O) "PURPOSE" MEANS A BRIEF DESCRIPTOR OF THE INTENDED USE OR
FUNCTION OF AN ADDITIVE, OR THE INTENDED USES OR FUNCTIONS OF A
FRAC TURING ADDITIVE SYSTEM, SUCH AS ACID, BIOCIDE, BREAKER,
CORROSION INHIBITOR, CROSSLINKER, DEMULSIFIER, FRICTION REDUCER,
GEL, IRON CONTROL AGENT, OXYGEN SCAVENGER, PH ADJUSTING AGENT,
PROPPANT, SCALE INHIBITOR, OR SURFACTANT.

(P) "SERVICE COMPANY" MEANS A PERSON THAT PERFORMS HYDRAULIC
FRACTURING TREATMENTS IN THIS STATE FOR A PERMITTEE.
(Q) "SUPPLIER" MEANS A PERSON, INCLUDING AN OPERATOR BUT EXCLUDING A SERVICE COMPANY, THAT PROVIDES AN ADDITIVE OR A FRACTURING ADDITIVE SYSTEM TO A PERMITTEE FOR USE IN CONNECTION WITH A HYDRAULIC FRACTURING TREATMENT.

(R) "TRADE NAME" MEANS THE NAME UNDER WHICH AN ADDITIVE OR A FRACTURING ADDITIVE SYSTEM IS SOLD OR MARKETED.

(S) "TRADE SECRET" MEANS ANY CONFIDENTIAL FORMULA, PATTERN, PROCESS, DEVICE, INFORMATION, OR COMPILATION OF INFORMATION THAT IS USED IN A PERSON'S BUSINESS AND THAT GIVES THE PERSON AN OPPORTUNITY TO OBTAIN AN ADVANTAGE OVER COMPETITORS THAT DO NOT KNOW OR USE IT.

SEC. 61532. (1) THE DEPARTMENT SHALL NOT ISSUE A PERMIT UNDER THIS PART TO DRILL A WELL FOR THE PRODUCTION OF NATURAL GAS THAT WILL USE A HYDRAULIC FRACTURING TREATMENT AS A PRODUCTION TECHNIQUE UNLESS THE APPLICANT PROVIDES TO THE DEPARTMENT ALL OF THE FOLLOWING INFORMATION FOR ITS REVIEW AND APPROVAL:

(A) THE TYPE AND VOLUME OF BASE FLUID USED IN THE HYDRAULIC FRACTURING TREATMENT, EXPRESSED IN GALLONS OR OTHER UNITS APPROVED BY THE DEPARTMENT.

(B) THE TRADE NAME AND SUPPLIER OF EACH ADDITIVE OR THE TRADE NAME AND SUPPLIER OF THE FRACTURING ADDITIVE SYSTEM, AS APPLICABLE, THAT IS TO BE USED IN THE HYDRAULIC FRACTURING FLUID.

(C) THE PURPOSE OF EACH ADDITIVE OR THE PURPOSES OF THE FRACTURING ADDITIVE SYSTEM, AS APPLICABLE.

(D) A LIST OF ALL CHEMICAL INGREDIENTS CONTAINED IN EACH ADDITIVE OR IN THE FRACTURING ADDITIVE SYSTEM, AS APPLICABLE, DESCRIBED UNDER SUBDIVISION (B), AND THEIR ASSOCIATED CAS NUMBERS,
EXCLUDING ANY CHEMICAL INGREDIENTS ENTITLED TO TRADE SECRET PROTECTION UNDER SECTION 61534.

(E) THE ACTUAL OR MAXIMUM CONCENTRATION OF EACH CHEMICAL INGREDIENT LISTED UNDER SUBDIVISION (D), EXPRESSED AS A PERCENT BY MASS OF THE TOTAL VOLUME OF HYDRAULIC FRACTURING FLUID USED.

(F) THE MATERIAL SAFETY DATA SHEETS ASSOCIATED WITH CHEMICAL INGREDIENTS TO BE USED IN THE HYDRAULIC FRACTURING TREATMENT.

(G) THE NAME OF THE SERVICE COMPANY THAT WILL BE USED, IF KNOWN.

(H) AN EVALUATION OF WHETHER THERE ARE ALTERNATIVE HYDRAULIC FRACTURING TREATMENTS THAT COULD BE UTILIZED THAT PROVIDE LESS POTENTIAL RISK TO PUBLIC HEALTH, SAFETY, OR WELFARE OR TO THE ENVIRONMENT THAN THE PROPOSED HYDRAULIC FRACTURING TREATMENT AND, IF AN ALTERNATIVE EXISTS, THE REASONS WHY THE ALTERNATIVE IS NOT BEING PROPOSED.

(I) THE INFORMATION REQUIRED UNDER SECTION 61535, IF APPLICABLE.

(2) A PERMITTEE THAT INTENDS TO USE A HYDRAULIC FRACTURING TREATMENT THAT WAS NOT PREVIOUSLY AUTHORIZED IN THE PERMIT SHALL PROVIDE THE INFORMATION DESCRIBED IN SUBSECTION (1) TO THE DEPARTMENT FOR ITS REVIEW AND APPROVAL.

(3) A PERMITTEE THAT WISHES TO MODIFY HIS OR HER HYDRAULIC FRACTURING TREATMENT IN A MANNER INCONSISTENT WITH THE INFORMATION PROVIDED TO THE DEPARTMENT UNDER SUBSECTION (1) OR (2) SHALL PROVIDE UPDATED INFORMATION TO THE DEPARTMENT FOR ITS REVIEW AND APPROVAL.

(4) EXCEPT FOR TRADE SECRETS THAT ARE EXEMPT FROM DISCLOSURE
UNDER SECTION 61534, THE DEPARTMENT SHALL POST THE INFORMATION
PROVIDED UNDER SUBSECTIONS (1), (2), AND (3) ON THE DEPARTMENT'S
WEBSITE FOR A PERIOD OF AT LEAST 60 DAYS PRIOR TO MAKING A DECISION
UNDER THIS SECTION, TO ALLOW FOR PUBLIC NOTICE AND COMMENT. THE
INFORMATION SHALL REMAIN ON THE WEBSITE UNTIL 3 YEARS AFTER
COMPLETION OF THE HYDRAULIC FRACTURING TREATMENT. IN ADDITION, THE
DEPARTMENT SHALL PROVIDE NOTICE TO BOTH OF THE FOLLOWING THAT
INFORMATION REGARDING A PROPOSED HYDRAULIC FRACTURING TREATMENT HAS
BEEN POSTED ON ITS WEBSITE:

(A) MEDIA OUTLETS IN THE VICINITY OF THE LOCATION OF THE
PROPOSED HYDRAULIC FRACTURING TREATMENT.

(B) THE COUNTY OR COUNTIES IN WHICH THE PROPOSED HYDRAULIC
FRACTURING TREATMENT WILL OCCUR.

(5) FOLLOWING THE PERIOD SPECIFIED FOR PUBLIC NOTICE AND
COMMENT UNDER SUBSECTION (4), THE DEPARTMENT MAY APPROVE A PROPOSED
HYDRAULIC FRACTURING TREATMENT PROPOSAL SUBMITTED UNDER THIS
SECTION. HOWEVER, IF THE DEPARTMENT DETERMINES THAT AN ALTERNATIVE
HYDRAULIC FRACTURING TREATMENT THAT PROVIDES GREATER PROTECTION TO
PUBLIC HEALTH, SAFETY, OR WELFARE OR TO THE ENVIRONMENT IS
FEASIBLE, THE DEPARTMENT SHALL DISAPPROVE THE PROPOSED HYDRAULIC
FRACTURING TREATMENT. IF THE DEPARTMENT DISAPPROVES A PROPOSED
HYDRAULIC FRACTURING TREATMENT PROPOSAL UNDER THIS SUBSECTION, THE
APPLICANT OR PERMITTEE MAY RESUBMIT A MODIFIED HYDRAULIC FRACTURING
TREATMENT PROPOSAL FOR THE DEPARTMENT'S CONSIDERATION.

(6) AN APPLICANT OR PERMITTEE IS NOT RESPONSIBLE FOR UNKNOWN
INACCURACIES IN THE INFORMATION THAT IS PROVIDED TO THE DEPARTMENT
UNDER SUBSECTION (1)(B) THAT THE APPLICANT OR PERMITTEE RECEIVED
FROM A SUPPLIER OR THIRD-PARTY MANUFACTURER OF THE ADDITIVES.

SEC. 61533. (1) ON OR BEFORE FEBRUARY 1 OF EACH YEAR, A PERMITTEE THAT UTILIZED A HYDRAULIC FRACTURING TREATMENT DURING THE PREVIOUS CALENDAR YEAR SHALL SUBMIT TO THE DEPARTMENT BOTH OF THE FOLLOWING RELATED TO THE USE OF HYDRAULIC FRACTURING TREATMENTS DURING THAT YEAR:

(A) A MASTER LIST.

(B) A REPORT LISTING THE TOTAL QUANTITY OF EACH CHEMICAL INGREDIENT, IDENTIFIED BY NAME AND CAS NUMBER, THAT WAS USED FOR HYDRAULIC FRACTURING TREATMENTS IN THIS STATE DURING THE PREVIOUS CALENDAR YEAR.

(2) IF THE SPECIFIC IDENTITY OF ANY CHEMICAL INGREDIENT UNDER SUBSECTION (1) IS ENTITLED TO BE WITHHELD AS A TRADE SECRET UNDER SECTION 61534, THEN ALL OF THE FOLLOWING APPLY:

(A) THE PERMITTEE SHALL SUPPLY BOTH THE IDENTITY OF THE CHEMICAL INGREDIENT AND THE CHEMICAL FAMILY ASSOCIATED WITH THE CHEMICAL INGREDIENT.

(B) THE DEPARTMENT SHALL PROTECT AND HOLD CONFIDENTIAL THE IDENTITY OF THE CHEMICAL INGREDIENT AND ITS ASSOCIATED CAS NUMBER.

(C) THE DEPARTMENT SHALL NOTE THAT THE IDENTITY OF THE CHEMICAL INGREDIENT HAS BEEN WITHHELD AS A TRADE SECRET AND DISCLOSE THE CHEMICAL FAMILY ASSOCIATED WITH THE CHEMICAL INGREDIENT ON THE DEPARTMENT'S WEBSITE.

(3) ON OR BEFORE MARCH 1 OF EACH YEAR, THE DEPARTMENT SHALL COMPILE A PUBLICLY AVAILABLE COMPREHENSIVE LIST OF CHEMICAL INGREDIENTS AND QUANTITIES USED AGGREGATED FROM ALL THE INFORMATION SUBMITTED TO THE DEPARTMENT PURSUANT TO SUBSECTION (1).
SEC. 61534. (1) TO RECEIVE TRADE SECRET PROTECTION UNDER THIS
SECTION, A PERSON, INCLUDING AN APPLICANT FOR A PERMIT UNDER THIS
PART, A PERMITTEE, A SERVICE COMPANY, OR A SUPPLIER, SHALL PROVIDE
TO THE DEPARTMENT BOTH OF THE FOLLOWING:

(A) THE SPECIFIC IDENTITY OF THE RELEVANT CHEMICAL INGREDIENT
AND ITS ASSOCIATED CAS NUMBER.

(B) A WRITTEN CLAIM THAT THE CHEMICAL INGREDIENT AND ITS
ASSOCIATED CAS NUMBER ARE ENTITLED TO THAT PROTECTION.

(2) THE DEPARTMENT SHALL PROTECT AND HOLD CONFIDENTIAL THE
IDENTITY OF THE CHEMICAL INGREDIENT AND THE CHEMICAL INGREDIENT'S
ASSOCIATED CAS NUMBER UNLESS AND UNTIL THE CHEMICAL INGREDIENT AND
ITS ASSOCIATED CAS NUMBER ARE DETERMINED NOT TO BE ENTITLED TO
TRADE SECRET PROTECTION UNDER SUBSECTION (7). A CLAIM OF
ENTITLEMENT TO TRADE SECRET PROTECTION SHALL INCLUDE SUBSTANTIATING
FACTS IN THE FORM OF THE INFORMATION REQUIRED BY 40 CFR 350.7(A).
IF REQUESTED BY THE TRADE SECRET CLAIMANT, THE DEPARTMENT SHALL
TREAT ANY SUBSTANTIATING FACTS AS CONFIDENTIAL AND SHALL NOT
DISCLOSE THEM TO ANY THIRD PARTY OR THE PUBLIC FOR ANY PURPOSE. A
CLAIM OF ENTITLEMENT TO TRADE SECRET PROTECTION SHALL BE SUBMITTED
TO THE DEPARTMENT ON OR BEFORE THE DATE THE CLAIMANT IS OTHERWISE
REQUIRED TO PROVIDE THE IDENTITY OF THE RELEVANT CHEMICAL
INGREDIENT TO THE DEPARTMENT OR THE PERMITTEE UNDER SECTION 61532
OR 61533, AS APPLICABLE. A TRADE SECRET CLAIMANT SHALL NOT SUBMIT A
CLAIM OF ENTITLEMENT TO TRADE SECRET PROTECTION FOR A CHEMICAL
INGREDIENT THAT HAS BEEN DETERMINED NOT TO BE ENTITLED TO TRADE
SECRET PROTECTION UNDER SUBSECTION (7) UNLESS THE CLAIM OF
ENTITLEMENT TO TRADE SECRET PROTECTION FOR THE CHEMICAL INGREDIENT
IS MADE WITH RESPECT TO THE USE OF THE CHEMICAL INGREDIENT IN A DIFFERENT ADDITIVE. SUBJECT TO THE REQUIREMENTS OF SECTION 61536, A CLAIMANT MAY WITHHOLD FROM AN OPERATOR THE SPECIFIC IDENTITY AND ASSOCIATED CAS NUMBER OF THE CHEMICAL INGREDIENT DESCRIBED IN THE CLAIM OF ENTITLEMENT TO TRADE SECRET PROTECTION UNTIL THE CLAIM IS SUCCESSFULLY CHALLENGED UNDER THIS SECTION.

(3) ANY PERSON MAY CHALLENGE A CLAIM OF ENTITLEMENT TO TRADE SECRET PROTECTION UNDER THIS SECTION.

THE OFFICE OF THE ATTORNEY GENERAL SHALL PROCESS A REQUEST FOR
DECISION IN ACCORDANCE WITH THE PROCEDURES PROVIDED BY THE FREEDOM
OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246.

(5) THE OFFICE OF THE ATTORNEY GENERAL SHALL UPHOLD A CLAIM OF
ENTITLEMENT TO TRADE SECRET PROTECTION AGAINST A CHALLENGE OF THE
CLAIM IF THE OFFICE DETERMINES THAT THE CLAIM SATISFIES THE
REQUIREMENTS FOR TRADE SECRET PROTECTION UNDER THE EXCEPTION FOR
TRADE SECRETS PROVIDED BY THE FREEDOM OF INFORMATION ACT, 1976 PA
442, MCL 15.231 TO 15.246. EXCEPT AS PROVIDED BY SUBSECTION (6),
ONCE A DETERMINATION IS MADE BY THE OFFICE OF THE ATTORNEY GENERAL,
The trade secret status of the specific identity of the chemical
ingredient and the chemical ingredient's associated CAS number
shall not be challenged under this section until the fifth
anniversary of the date the determination is made.

(6) A TRADE SECRET CLAIMANT OR A PERSON CHALLENGING A TRADE
SECRET CLAIM UNDER SUBSECTION (4) MAY APPEAL A DETERMINATION BY THE
OFFICE OF THE ATTORNEY GENERAL WITH REGARD TO A CLAIM OF
ENTITLEMENT TO TRADE SECRET PROTECTION IN THE MANNER PROVIDED BY
TO 24.328.

(7) IF THE OFFICE OF THE ATTORNEY GENERAL OR, IN THE EVENT OF
AN APPEAL OF THE DECISION OF THE OFFICE OF THE ATTORNEY GENERAL, A
COURT DETERMINES THAT THE SPECIFIC IDENTITY OF THE CHEMICAL
INGREDIENT AND THE CHEMICAL INGREDIENT'S ASSOCIATED CAS NUMBER ARE
NOT ENTITLED TO TRADE SECRET PROTECTION, THE DEPARTMENT SHALL
REQUIRE THE TRADE SECRET CLAIMANT TO DISCLOSE THE SPECIFIC IDENTITY
OF THE CHEMICAL INGREDIENT AND THE CHEMICAL INGREDIENT'S ASSOCIATED
(8) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THE DEPARTMENT MAY DO EITHER OR BOTH OF THE FOLLOWING:

(A) DISCLOSURE INFORMATION OTHERWISE SUBJECT TO TRADE SECRET PROTECTION UNDER THIS SECTION TO AN ACCREDITED LABORATORY IN CONNECTION WITH THE INVESTIGATION OF A CLAIM OF CONTAMINATION OF SURFACE WATER OR GROUNDWATER IF THE LABORATORY AGREES IN WRITING TO KEEP THE INFORMATION CONFIDENTIAL.

(B) USE THE RESULTS OF A TEST CONDUCTED BY AN ACCREDITED LABORATORY IN CONNECTION WITH AN INVESTIGATION OF SURFACE WATER OR GROUNDWATER IN ANY MANNER THE DEPARTMENT CONSIDERS NECESSARY TO PROTECT PUBLIC HEALTH AND THE ENVIRONMENT.

SEC. 61535. (1) IF THE SPECIFIC IDENTITY OF A CHEMICAL INGREDIENT AND THE CHEMICAL INGREDIENT'S ASSOCIATED CAS NUMBER ARE CLAIMED OR HAVE BEEN FINALLY DETERMINED TO BE ENTITLED TO PROTECTION AS A TRADE SECRET UNDER SECTION 61534, A PERSON MAY WITHHOLD THE SPECIFIC IDENTITY OF THE CHEMICAL INGREDIENT AND THE CHEMICAL INGREDIENT'S ASSOCIATED CAS NUMBER FROM THE INFORMATION PROVIDED TO THE APPLICANT OR PERMITTEE, AS APPLICABLE. IF THE PERSON ELECTS TO WITHHOLD THAT INFORMATION, THE INFORMATION PROVIDED TO THE APPLICANT OR PERMITTEE, AS APPLICABLE, SHALL INCLUDE BOTH OF THE FOLLOWING:

(A) A DISCLOSURE OF THE CHEMICAL FAMILY ASSOCIATED WITH THE CHEMICAL INGREDIENT, ITS TRADE NAME, AND ITS PURPOSE.

(B) A STATEMENT THAT THE SPECIFIC IDENTITY OF THE CHEMICAL INGREDIENT AND THE CHEMICAL INGREDIENT'S ASSOCIATED CAS NUMBER ARE ENTITLED TO PROTECTION AS A TRADE SECRET.
(2) If an applicant or permittee seeks to use a supplier or service company that has withheld information under a claim of trade secret, that applicant or permittee shall request that the supplier or service company disclose the information to the department pursuant to Section 61534.

(3) An applicant's or permittee's application to the department under Section 61532 shall not be considered administratively complete and shall not be granted until information from service companies and suppliers has been disclosed as provided in this section.

Sec. 61536. (1) Notwithstanding Section 61534, a person shall supply the following information to a health care professional:

(A) information regarding additives or chemical ingredients required by the health care professional who needs the information for diagnostic purposes. This information shall be provided directly to the health care professional as follows:

(i) immediately upon request, in a case identified by the health care professional as a medical emergency. The health care professional's initial request for information need not satisfy the requirements of a statement of need as described in subsection (2). As soon after the emergency as circumstances permit, the health care professional shall then provide to the person disclosing the information a written statement of the need for the information.

(ii) upon receipt of a written statement of need from the health care professional, in cases that are not medical emergencies.

(B) any other information, the disclosure of which is required
BY A STATE OR FEDERAL LAW.

(2) THE STATEMENT OF NEED REFERRED TO IN SUBSECTION (1)(A)(i) OR (ii) SHALL STATE ALL OF THE FOLLOWING:

(A) THE HEALTH CARE PROFESSIONAL HAS A REASONABLE BASIS TO BELIEVE THE INFORMATION IS NEEDED FOR DIAGNOSIS OR TREATMENT OF AN INDIVIDUAL.

(B) THE INDIVIDUAL BEING DIAGNOSED OR TREATED MAY HAVE BEEN EXPOSED TO THE CHEMICAL INGREDIENT.

(C) KNOWLEDGE OF THE SPECIFIC CHEMICAL INGREDIENT IDENTITY IS LIKELY TO ASSIST IN DIAGNOSIS OR TREATMENT.

(3) THE PERSON DISCLOSING INFORMATION PURSUANT TO SUBSECTION (1)(A) SHALL PROVIDE THE HEALTH CARE PROFESSIONAL A STATEMENT OF THE PROFESSIONAL'S CONFIDENTIALITY OBLIGATIONS PURSUANT TO SECTION 61537. THIS NOTIFICATION SHALL ACCOMPANY THE DISCLOSURE IN NONEMERGENCY SITUATIONS OR BE MADE AS SOON AS CIRCUMSTANCES PERMIT IN EMERGENCIES.

SEC. 61537. A HEALTH PROFESSIONAL TO WHOM INFORMATION IS DISCLOSED UNDER SECTION 61536 SHALL HOLD THE INFORMATION CONFIDENTIAL, EXCEPT THAT THE HEALTH PROFESSIONAL MAY, FOR DIAGNOSTIC OR TREATMENT PURPOSES, DISCLOSE INFORMATION PROVIDED UNDER THAT SECTION TO ANOTHER HEALTH PROFESSIONAL OR ACCREDITED LABORATORY. A HEALTH PROFESSIONAL OR ACCREDITED LABORATORY TO WHICH INFORMATION IS DISCLOSED BY ANOTHER HEALTH PROFESSIONAL UNDER THIS SECTION SHALL HOLD THE INFORMATION CONFIDENTIAL AND THE DISCLOSING HEALTH PROFESSIONAL SHALL INCLUDE WITH THE DISCLOSURE, OR IN A MEDICAL EMERGENCY, AS SOON AS CIRCUMSTANCES PERMIT, A STATEMENT OF THE RECIPIENT'S CONFIDENTIALITY OBLIGATION PURSUANT TO THIS
SECTION.