

HOUSE BILL No. 4585

May 14, 2019, Introduced by Rep. Albert and referred to the Committee on Regulatory Reform.

A bill to promote compliance with certain health and safety standards by certain fairs and festivals in this state; to establish a fair and festival carnival safety partnership program; to provide for the recognition of fair and festival carnival safety partners; and to provide for the powers and duties of certain state officers and entities.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the "fair
2 and festival carnival safety partnership act".

3 Sec. 2. As used in this act:

4 (a) "Carnival rider" means a rider of a carnival or amusement
5 ride as that term is defined in section 2 of the carnival-amusement
6 safety act of 1966, 1966 PA 225, MCL 408.652.

1 (b) "Department" means the department of agriculture and rural
2 development.

3 (c) "Director" means the director of the department.

4 (d) "Fair and festival carnival safety partnership program" or
5 "program" means the fair and festival carnival safety partnership
6 program provided for under section 3.

7 Sec. 3. (1) The director shall create and administer a
8 voluntary fair and festival carnival safety partnership program for
9 awarding recognition to agricultural fairs and festivals in this
10 state that meet certain standards related to the health and safety
11 of patrons. The department shall award recognition to agricultural
12 fairs and festivals that meet the eligibility requirements provided
13 for in this act by naming the fair or festival a "Fair and Festival
14 Carnival Safety Partner", or similar.

15 (2) The director shall promulgate rules and procedures for
16 implementing the program described in subsection (1) in accordance
17 with the administrative procedures act of 1969, 1969 PA 306, MCL
18 24.201 to 24.328. The rules and procedures promulgated by the
19 director under this subsection shall provide for, but are not
20 limited to, all of the following:

21 (a) An application process by which an owner or operator of a
22 fair or festival, or a person acting on behalf of a fair or
23 festival, may apply for recognition as a fair and festival carnival
24 safety partner.

25 (b) Upon approval of an application submitted under
26 subdivision (a), the signing of an agreement by the owner or
27 operator of the fair or festival, or a person acting on behalf of

1 the fair or festival, stating that the fair or festival will uphold
2 the standards for partnership recognition established by the
3 department.

4 (c) The collection of a partnership fee from the fair or
5 festival that is reasonably calculated to meet the costs of the
6 program not to exceed \$300.00.

7 (d) Eligibility standards for awarding recognition as a fair
8 and festival carnival safety partner under this act. The
9 eligibility standards shall include, but are not limited to, all of
10 the following:

11 (i) Demonstrated compliance with all state and federal laws
12 regarding patron safety, occupational health and safety, and other
13 applicable health and safety standards.

14 (ii) Identifiable efforts by the fair or festival to promote
15 awareness of carnival rider health and safety.

16 (iii) Designation by the fair or festival of a safety
17 representative who is responsible for compliance with the
18 partnership requirements established under this act and the related
19 procedures and documentation.

20 (3) A partnership awarded under this act is valid for 3 years
21 beginning on the date of approval of an application submitted under
22 subsection (2). The owner or operator of a fair or festival, or a
23 person acting on behalf of a fair or festival, may apply for
24 renewal of a partnership awarded under this act by applying to the
25 department in accordance with the same process as described in
26 subsection (2).

27 Sec. 5. (1) The department shall develop and provide to a fair

1 or festival that is awarded recognition under this act a banner, or
2 similar, that includes the printed phrase, "Fair and Festival
3 Carnival Safety Partner", or similar, and other promotional
4 materials as determined by the department.

5 (2) The department shall establish, or cause to be
6 established, a webpage on its website that provides the public with
7 a summary of the program established under this act and lists the
8 fairs and festivals that are safety partner award recipients under
9 this act.