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UNNECESSARILY HAZARDOUS PRODUCTS

House Bill 5372

Sponsor: Rep. Rose Bogardus

Committee: Judiciary

Complete to 11-26-97

A SUMMARY OF HOUSE BILL 5372 AS INTRODUCED 11-13-97

The bill would amend the Michigan Penal Code to make the manufacture or distribution of unnecessarily hazardous products or devices a felony punishable by imprisonment for not more than five years and/or a fine of not more than \$1 million under certain circumstances. Under the bill, any person who had full or partial authority in a business to prevent the manufacture or distribution of a product or device or to require the recall of a product or device could be a defendant.

Specifically, it would be illegal to manufacture or distribute or cause the manufacture or distribution of an unnecessarily dangerous product or device that injured or killed another individual, provided that the defendant had either made a false or misleading claim about the safety of the product or device, or had concealed research, data, studies, or other information that indicated that the product or device was unnecessarily hazardous. In addition, a defendant could also be guilty of a felony under the bill, if he or she failed to immediately recall a product or device after discovering that the product or device was unnecessarily hazardous and that death or injury was likely to result from the use of that product or device.

MCL 750.502d

Analyst: W. Flory

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