

HOUSE BILL No. 5372

November 13, 1997, Introduced by Reps. Bogardus, Wallace, Baird, Dobronski, Baade, Olshove, Brater, Kilpatrick, Brewer, Frank, Murphy, Quarles, Thomas, Scott, Wojno, Brown, Callahan, Price, Kelly, Schermesser, Varga, Tesanovich, Prusi, Anthony, Agee, Hanley, LaForge, Palamara, Hale, Basham, Stallworth and Freeman and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
(MCL 750.1 to 750.568) by adding section 502d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 502D. (1) A PERSON WHO MANUFACTURES OR DISTRIBUTES IN
2 THIS STATE OR CAUSES TO BE MANUFACTURED OR DISTRIBUTED IN THIS
3 STATE AN UNNECESSARILY HAZARDOUS PRODUCT OR DEVICE IS GUILTY OF A
4 CRIME AS PROVIDED IN SUBSECTION (3) IF THE PRODUCT OR DEVICE
5 INJURES ANOTHER PERSON OR CAUSES THE DEATH OF ANOTHER PERSON AND
6 EITHER OF THE FOLLOWING CIRCUMSTANCES EXISTS:

7 (A) THE PERSON WHO MANUFACTURED OR DISTRIBUTED THE PRODUCT
8 OR DEVICE OR CAUSED THE PRODUCT OR DEVICE TO BE MANUFACTURED MADE
9 A FALSE OR MISLEADING CLAIM ABOUT THE SAFETY OF THE PRODUCT.

10 (B) THE PERSON WHO MANUFACTURED OR DISTRIBUTED THE PRODUCT
11 OR DEVICE OR CAUSED THE PRODUCT OR DEVICE TO BE MANUFACTURED

1 CONCEALED RESEARCH, DATA, STUDIES, OR OTHER INFORMATION
2 INDICATING THAT THE PRODUCT OR DEVICE WAS UNNECESSARILY
3 HAZARDOUS.

4 (2) A PERSON WHO MANUFACTURES OR DISTRIBUTES IN THIS STATE
5 OR CAUSES TO BE MANUFACTURED OR DISTRIBUTED IN THIS STATE AN
6 UNNECESSARILY HAZARDOUS PRODUCT OR DEVICE IS GUILTY OF A CRIME
7 PUNISHABLE AS PROVIDED IN SUBSECTION (3) IF BOTH OF THE FOLLOWING
8 CIRCUMSTANCES EXIST:

9 (A) THE PERSON SUBSEQUENTLY DISCOVERS THAT THE PRODUCT OR
10 DEVICE IS UNNECESSARILY HAZARDOUS AND THAT DEATH OR INJURY IS
11 LIKELY TO RESULT FROM THE USE OF THAT PRODUCT OR DEVICE.

12 (B) THE PERSON FAILS TO IMMEDIATELY RECALL THE PRODUCT OR
13 DEVICE.

14 (3) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY
15 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 5 YEARS OR A FINE OF
16 NOT MORE THAN \$1,000,000.00, OR BOTH.

17 (4) AS USED IN THIS SECTION, "PERSON" MEANS AN INDIVIDUAL
18 HAVING FULL OR PARTIAL AUTHORITY IN A BUSINESS TO PREVENT THE
19 MANUFACTURE OR DISTRIBUTION OF A PRODUCT OR DEVICE OR TO REQUIRE
20 THE RECALL OF A PRODUCT OR DEVICE.