

SENATE BILL No. 623

June 27, 2007, Introduced by Senators BRATER, JACOBS, HUNTER, CLARKE, SCOTT, CHERRY and THOMAS and referred to the Committee on Local, Urban and State Affairs.

A bill to amend 1997 PA 16, entitled "The playground equipment safety act," by amending the title and section 6 (MCL 408.686).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

TITLE

An act to regulate the manufacturing, ~~and assembling,~~ **AND MAINTENANCE** of public playground equipment; **TO PROVIDE FOR THE POWERS AND DUTIES OF CERTAIN STATE AND LOCAL GOVERNMENTAL OFFICERS AND ENTITIES;** and to provide penalties.

Sec. 6. (1) Except as otherwise provided in subsection (2), ~~the~~ **A** local unit of government, school district, or **OTHER** governmental entity that owns and operates ~~the~~ public playground equipment ~~shall be~~ **IS** responsible for the maintenance, repair, and upkeep of the public playground equipment according to the

1 standards identified by this act.

2 (2) For the maintenance, repair, and upkeep of public
3 playground equipment that existed before the effective date of this
4 act, the standards required by section 4 shall apply only to the
5 extent that ~~such application~~ **APPLYING THOSE STANDARDS** is possible
6 without requiring substantial alteration, removal, or replacement
7 of the existing equipment.

8 (3) **WITHIN 1 YEAR AFTER THE EFFECTIVE DATE OF THE AMENDATORY**
9 **ACT THAT ADDED THIS SUBSECTION, A LOCAL UNIT OF GOVERNMENT, SCHOOL**
10 **DISTRICT, OR OTHER GOVERNMENTAL ENTITY THAT OWNS AND OPERATES**
11 **PUBLIC PLAYGROUND EQUIPMENT THAT CONTAINS WOOD TREATED WITH OR**
12 **CONTAINING CHROMATED COPPER ARSENATE SHALL POST A SIGN ON OR NEAR**
13 **THE EQUIPMENT, AND AT ANY OTHER LOCATION THE GOVERNMENTAL ENTITY**
14 **DETERMINES IS APPROPRIATE, THAT CONTAINS THE FOLLOWING STATEMENT:**
15 **"WARNING. SOME WOOD IN THIS PLAYGROUND EQUIPMENT MAY CONTAIN**
16 **CHROMATED COPPER ARSENATE (CCA) TREATED WOOD. HAND WASHING AFTER**
17 **CONTACT IS RECOMMENDED ESPECIALLY BEFORE CONSUMING FOOD OR**
18 **BEVERAGES. PLEASE CONTACT THE MICHIGAN DEPARTMENT OF COMMUNITY**
19 **HEALTH AT 1-800-353-8227 FOR MORE INFORMATION."**

20 (4) **A LOCAL UNIT OF GOVERNMENT, SCHOOL DISTRICT, OR OTHER**
21 **GOVERNMENTAL ENTITY THAT VIOLATES SUBSECTION (3) IS RESPONSIBLE FOR**
22 **A STATE CIVIL INFRACTION AND MAY BE ORDERED TO PAY A CIVIL FINE OF**
23 **NOT MORE THAN \$1,000.00 AND COURT COSTS. HOWEVER, THE COURT SHALL**
24 **WAIVE A CIVIL FINE ASSESSED UNDER THIS SUBSECTION IF THE**
25 **GOVERNMENTAL ENTITY IN VIOLATION OF SUBSECTION (3) PAYS THE**
26 **ASSESSED COURT COSTS, AND WITHIN 45 DAYS AFTER THE FINE IS ORDERED**
27 **PROVIDES EVIDENCE TO THE COURT THAT IT IS THEN IN COMPLIANCE WITH**

1 SUBSECTION (3) .

2 (5) THE DEPARTMENT OF COMMUNITY HEALTH SHALL RESPOND TO
3 INQUIRIES CONCERNING THE HEALTH RISKS ASSOCIATED WITH EXPOSURE TO
4 CHROMATED COPPER ARSENATE FROM THE PUBLIC AND SHALL POST
5 INFORMATION CONCERNING THOSE HEALTH RISKS ON ITS DEPARTMENTAL
6 WEBSITE.