

HOUSE BILL NO. 4409

March 20, 2019, Introduced by Rep. Calley and referred to the Committee on Health Policy.

A bill to amend 1973 PA 116, entitled

"An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts,"

by amending sections 1 and 2b (MCL 722.111 and 722.112b), section 1 as amended by 2018 PA 431 and section 2b as amended by 2007 PA 217, and by adding section 2f.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:



1 Sec. 1. As used in this act:

2 (a) "Child care staff member" means an individual who is 18
3 years of age or older to whom 1 or more of the following applies:

4 (i) The individual is employed by a child care center, group
5 child care home, or family child care home for compensation,
6 including a contract employee or a self-employed individual.

7 (ii) An individual whose activities involve the unsupervised
8 care or supervision of children for a child care center, group
9 child care home, or family child care home.

10 (iii) An individual who has unsupervised access to children who
11 are cared for or supervised by a child care center, group child
12 care home, or family child care home.

13 (iv) An individual who acts in the role of a licensee designee
14 or program director.

15 (b) "Child care organization" means a governmental or
16 nongovernmental organization having as its principal function
17 receiving minor children for care, maintenance, training, and
18 supervision, notwithstanding that educational instruction may be
19 given. Child care organization includes organizations commonly
20 described as child caring institutions, child placing agencies,
21 children's camps, children's campsites, children's therapeutic
22 group homes, child care centers, day care centers, nursery schools,
23 parent cooperative preschools, foster homes, group homes, or child
24 care homes. Child care organization does not include a governmental
25 or nongovernmental organization that does either of the following:

26 (i) Provides care exclusively to minors who have been
27 emancipated by court order under section 4(3) of 1968 PA 293, MCL
28 722.4.

29 (ii) Provides care exclusively to persons who are 18 years of



1 age or older and to minors who have been emancipated by court order
2 under section 4(3) of 1968 PA 293, MCL 722.4, at the same location.

3 (c) "Child caring institution" means a child care facility
4 that is organized for the purpose of receiving minor children for
5 care, maintenance, and supervision, usually on a 24-hour basis, in
6 buildings maintained by the child caring institution for that
7 purpose, and operates throughout the year. An educational program
8 may be provided, but the educational program shall not be the
9 primary purpose of the facility. Child caring institution includes
10 a maternity home for the care of unmarried mothers who are minors
11 and an agency group home, that is described as a small child caring
12 institution, owned, leased, or rented by a licensed agency
13 providing care for more than 4 but less than 13 minor children.
14 Child caring institution also includes institutions for
15 developmentally disabled or emotionally disturbed minor children.
16 Child caring institution does not include a hospital, nursing home,
17 or home for the aged licensed under article 17 of the public health
18 code, 1978 PA 368, MCL 333.20101 to 333.22260, a boarding school
19 licensed under section 1335 of the revised school code, 1976 PA
20 451, MCL 380.1335, a hospital or facility operated by the state or
21 licensed under the mental health code, 1974 PA 258, MCL 330.1001 to
22 330.2106, or an adult foster care family home or an adult foster
23 care small group home licensed under the adult foster care facility
24 licensing act, 1979 PA 218, MCL 400.701 to 400.737, in which a
25 child has been placed under section 5(6).

26 (d) "Child placing agency" means a governmental organization
27 or an agency organized under the nonprofit corporation act, 1982 PA
28 162, MCL 450.2101 to 450.3192, for the purpose of receiving
29 children for placement in private family homes for foster care or



1 for adoption. The function of a child placing agency may include
2 investigating applicants for adoption and investigating and
3 certifying foster family homes and foster family group homes as
4 provided in this act. The function of a child placing agency may
5 also include supervising children who are at least 16 but less than
6 21 years of age and who are living in unlicensed residences as
7 provided in section 5(4).

8 (e) "Children's camp" means a residential, day, troop, or
9 travel camp that provides care and supervision and is conducted in
10 a natural environment for more than 4 children, apart from the
11 children's parents, relatives, or legal guardians, for 5 or more
12 days in a 14-day period.

13 (f) "Children's campsite" means the outdoor setting where a
14 children's residential or day camp is located.

15 (g) "Children's therapeutic group home" means a child caring
16 institution receiving not more than 6 minor children who are
17 diagnosed with a developmental disability as defined in section
18 100a of the mental health code, 1974 PA 258, MCL 330.1100a, or a
19 serious emotional disturbance as defined in section 100d of the
20 mental health code, 1974 PA 258, MCL 330.1100d, and that meets all
21 of the following requirements:

22 (i) Provides care, maintenance, and supervision, usually on a
23 24-hour basis.

24 (ii) Complies with the rules for child caring institutions,
25 except that behavior management rooms, ~~personal-chemical~~ restraint,
26 mechanical restraint, ~~or-and~~ seclusion, ~~which is allowed in~~
27 ~~certain circumstances under licensing rules,~~ are prohibited in a
28 children's therapeutic group home.

29 (iii) Is not a private home.



1 (iv) Is not located on a campus with other licensed facilities.

2 (h) "Child care center" means a facility, other than a private
3 residence, receiving 1 or more children under 13 years of age for
4 care for periods of less than 24 hours a day, where the parents or
5 guardians are not immediately available to the child. Child care
6 center includes a facility that provides care for not less than 2
7 consecutive weeks, regardless of the number of hours of care per
8 day. The facility is generally described as a child care center,
9 day care center, day nursery, nursery school, parent cooperative
10 preschool, play group, before- or after-school program, or drop-in
11 center. Child care center does not include any of the following:

12 (i) A Sunday school, a vacation bible school, or a religious
13 instructional class that is conducted by a religious organization
14 where children are attending for not more than 3 hours per day for
15 an indefinite period or for not more than 8 hours per day for a
16 period not to exceed 4 weeks during a 12-month period.

17 (ii) A facility operated by a religious organization where
18 children are in the religious organization's care for not more than
19 3 hours while persons responsible for the children are attending
20 religious services.

21 (iii) A program that is primarily supervised, school-age-child-
22 focused training in a specific subject, including, but not limited
23 to, dancing, drama, music, or religion. This exclusion applies only
24 to the time a child is involved in supervised, school-age-child-
25 focused training.

26 (iv) A program that is primarily an incident of group athletic
27 or social activities for school-age children sponsored by or under
28 the supervision of an organized club or hobby group, including, but
29 not limited to, youth clubs, scouting, and school-age recreational



1 or supplementary education programs. This exclusion applies only to
2 the time the school-age child is engaged in the group athletic or
3 social activities and if the school-age child can come and go at
4 will.

5 (v) A program that primarily provides therapeutic services to
6 a child.

7 (i) "Conviction" means a final conviction, the payment of a
8 fine, a plea of guilty or nolo contendere if accepted by the court,
9 a finding of guilt for a criminal law violation or a juvenile
10 adjudication or disposition by the juvenile division of probate
11 court or family division of circuit court for a violation that if
12 committed by an adult would be a crime, or a conviction in a tribal
13 court or a military court.

14 (j) "Criminal history check" means a fingerprint-based
15 criminal history record information background check through the
16 department of state police and the Federal Bureau of Investigation.

17 (k) "Criminal history record information" means that term as
18 defined in section 1a of 1925 PA 289, MCL 28.241a.

19 (l) "Department" means the department of health and human
20 services and the department of licensing and regulatory affairs or
21 a successor agency or department responsible for licensure under
22 this act. The department of licensing and regulatory affairs is
23 responsible for licensing and regulatory matters for child care
24 centers, group child care homes, family child care homes,
25 children's camps, and children's campsites. The department of
26 health and human services is responsible for licensing and
27 regulatory matters for child caring institutions, child placing
28 agencies, children's therapeutic group homes, foster family homes,
29 and foster family group homes.



(m) "Eligible" means that the individual obtained the checks and clearances described in sections 5n and 5q and is considered appropriate to obtain a license, to be a member of the household of a group child care home or family child care home, or to be a child care staff member.

(n) "Ineligible" means that the individual obtained the checks and clearances as described in sections 5n and 5q and is not considered appropriate to obtain a license, to be a member of the household of a group child care home or family child care home, or to be a child care staff member due to violation of section 5n, 5q, or 5r.

(o) "Private home" means a private residence in which the licensee permanently resides, which residency is not contingent upon caring for children or employment by a child placing agency. Private home includes a full-time foster family home, a full-time foster family group home, a group child care home, or a family child care home, as follows:

(i) "Foster family home" means a private home in which 1 but not more than 4 minor children, who are not related to an adult member of the household by blood or marriage, who are not placed in the household under the Michigan adoption code, chapter X of the probate code of 1939, 1939 PA 288, MCL 710.21 to 710.70, or who are not hosted in the private home as provided in the safe families for children act, **2018 PA 434, MCL 722.1551 to 722.1567**, are given care and supervision for 24 hours a day, for 4 or more days a week, for 2 or more consecutive weeks, unattended by a parent, legal guardian, or legal custodian.

(ii) "Foster family group home" means a private home in which more than 4 but fewer than 7 minor children, who are not related to



1 an adult member of the household by blood or marriage, who are not
2 placed in the household under the Michigan adoption code, chapter X
3 of the probate code of 1939, 1939 PA 288, MCL 710.21 to 710.70, or
4 who are not hosted in the private home as provided in the safe
5 families for children act, **2018 PA 434, MCL 722.1551 to 722.1567**,
6 are provided care for 24 hours a day, for 4 or more days a week,
7 for 2 or more consecutive weeks, unattended by a parent, legal
8 guardian, or legal custodian.

9 (iii) "Family child care home" means a private home in which 1
10 but fewer than 7 minor children are received for care and
11 supervision for compensation for periods of less than 24 hours a
12 day, unattended by a parent or legal guardian, except children
13 related to an adult member of the household by blood, marriage, or
14 adoption. Family child care home includes a home in which care is
15 given to an unrelated minor child for more than 4 weeks during a
16 calendar year. A family child care home does not include an
17 individual providing babysitting services for another individual.
18 As used in this subparagraph, "providing babysitting services"
19 means caring for a child on behalf of the child's parent or
20 guardian when the annual compensation for providing those services
21 does not equal or exceed \$600.00 or an amount that would according
22 to the internal revenue code of 1986, **26 USC 1 to 9834**, obligate
23 the child's parent or guardian to provide a form 1099-MISC to the
24 individual for compensation paid during the calendar year for those
25 services.

26 (iv) "Group child care home" means a private home in which more
27 than 6 but not more than 12 minor children are given care and
28 supervision for periods of less than 24 hours a day unattended by a
29 parent or legal guardian, except children related to an adult



1 member of the household by blood, marriage, or adoption. Group
2 child care home includes a home in which care is given to an
3 unrelated minor child for more than 4 weeks during a calendar year.

4 (p) "Legal custodian" means an individual who is at least 18
5 years of age in whose care a minor child remains or is placed after
6 a court makes a finding under section 13a(5) of chapter XIIIA of the
7 probate code of 1939, 1939 PA 288, MCL 712A.13a.

8 (q) "Licensee" means a person, partnership, firm, corporation,
9 association, nongovernmental organization, or local or state
10 government organization that has been issued a license under this
11 act to operate a child care organization.

12 (r) "Listed offense" means that term as defined in section 2
13 of the sex offenders registration act, 1994 PA 295, MCL 28.722.

14 (s) "Member of the household" means any individual who resides
15 in a family child care home, group child care home, foster family
16 home, or foster family group home on an ongoing basis, or who has a
17 recurrent presence in the home, including, but not limited to,
18 overnight stays. For foster family homes and foster family group
19 homes, a member of the household does not include a foster child.
20 For group child care homes and family child care homes, a member of
21 the household does not include a child to whom child care is being
22 provided.

23 (t) "Original license" means a license issued to a child care
24 organization during the first 6 months of operation indicating that
25 the organization is in compliance with all rules promulgated by the
26 department under this act.

27 (u) "Provisional license" means a license issued to a child
28 care organization that is temporarily unable to conform to the
29 rules promulgated under this act.



1 (v) "Regular license" means a license issued to a child care
2 organization indicating that the organization is in substantial
3 compliance with all rules promulgated under this act and, if there
4 is a deficiency, has entered into a corrective action plan.

5 (w) "Guardian" means the guardian of the person.

6 (x) "Minor child" means any of the following:

7 (i) A person less than 18 years of age.

8 (ii) A person who is a resident in a child caring institution,
9 foster family home, or foster family group home, who is at least 18
10 but less than 21 years of age, and who meets the requirements of
11 the young adult voluntary foster care act, 2011 PA 225, MCL 400.641
12 to 400.671.

13 (iii) A person who is a resident in a child caring institution,
14 children's camp, foster family home, or foster family group home;
15 who becomes 18 years of age while residing in a child caring
16 institution, children's camp, foster family home, or foster family
17 group home; and who continues residing in a child caring
18 institution, children's camp, foster family home, or foster family
19 group home to receive care, maintenance, training, and supervision.
20 A minor child under this subparagraph does not include a person 18
21 years of age or older who is placed in a child caring institution,
22 foster family home, or foster family group home under an
23 adjudication under section 2(a) of chapter XIIIA of the probate code
24 of 1939, 1939 PA 288, MCL 712A.2, or under section 1 of chapter IX
25 of the code of criminal procedure, 1927 PA 175, MCL 769.1. This
26 subparagraph applies only if the number of those residents who
27 become 18 years of age does not exceed the following:

28 (A) Two, if the total number of residents is 10 or fewer.

29 (B) Three, if the total number of residents is not less than



1 11 and not more than 14.

2 (C) Four, if the total number of residents is not less than 15
3 and not more than 20.

4 (D) Five, if the total number of residents is 21 or more.

5 (iv) A person 18 years of age or older who is placed in an
6 unlicensed residence under section 5(4) or a foster family home
7 under section 5(7).

8 (y) "Related" means in the relationship by blood, marriage, or
9 adoption, as parent, grandparent, great-grandparent, great-great-
10 grandparent, aunt or uncle, great-aunt or great-uncle, great-great-
11 aunt or great-great-uncle, sibling, stepsibling, nephew or niece,
12 first cousin or first cousin once removed, and the spouse of any of
13 the individuals described in this definition, even after the
14 marriage has ended by death or divorce.

15 (z) "Religious organization" means a church, ecclesiastical
16 corporation, or group, not organized for pecuniary profit, that
17 gathers for mutual support and edification in piety or worship of a
18 supreme deity.

19 (aa) "School-age child" means a child who is eligible to
20 attend a grade of kindergarten or higher, but is less than 13 years
21 of age. A child is considered to be a school-age child on the first
22 day of the school year in which he or she is eligible to attend
23 school.

24 (bb) "Severe physical injury" means that term as defined in
25 section 8 of the child protection law, 1975 PA 238, MCL 722.628.

26 (cc) "Licensee designee" means the individual designated in
27 writing by the board of directors of the corporation or by the
28 owner or person with legal authority to act on behalf of the
29 company or organization on licensing matters. The individual must



1 agree in writing to be designated as the licensee designee. All
2 license applications must be signed by the licensee in the case of
3 the individual or by a member of the corporation, company, or
4 organization.

5 Sec. 2b. (1) As used in this section and sections 2c, 2d, ~~and~~
6 2e, **and 2f**, unless ~~the context requires~~ otherwise **provided:**

7 (a) "Adaptive device" means a mechanical device incorporated
8 in the individual plan of services that is intended to provide
9 anatomical support or to assist the minor child with adaptive
10 skills.

11 (b) "Chemical restraint" means a drug that meets all of the
12 following criteria:

13 (i) Is administered to manage a minor child's behavior in a way
14 that reduces the safety risk to the minor child or others.

15 (ii) Has the temporary effect of restricting the minor child's
16 freedom of movement.

17 (iii) Is not a standard treatment for the minor child's medical
18 or psychiatric condition.

19 (c) "Emergency safety intervention" means use of personal
20 restraint or seclusion as an immediate response to an emergency
21 safety situation.

22 (d) "Emergency safety situation" means the onset of an
23 unanticipated, severely aggressive, or destructive behavior that
24 places the minor child or others at serious threat of violence or
25 injury if no intervention occurs and that calls for an emergency
26 safety intervention.

27 (e) "Individual plan of services" means that term as defined
28 in section 100b of the mental health code, 1974 PA 258, MCL
29 330.1100b.



(f) "Licensed practitioner" means an individual who has been trained in the use of personal restraint and seclusion, who is knowledgeable of the risks inherent in the implementation of personal restraint and seclusion, and who is 1 of the following:

(i) A physician licensed under ~~article 15~~ **part 170 or 175** of the public health code, 1978 PA 368, MCL ~~333.16101 to 333.18838~~ **333.17001 to 333.17084 and 333.17501 to 333.17556**.

(ii) An individual who has been issued a specialty certification as a nurse practitioner under ~~article 15~~ **part 172** of the public health code, 1978 PA 368, MCL ~~333.16101 to 333.18838~~ **333.17201 to 333.17242**.

(iii) A physician's assistant licensed under ~~article 15~~ **part 170 or 175** of the public health code, 1978 PA 368, MCL ~~333.16101 to 333.18838~~ **333.17001 to 333.17084 and 333.17501 to 333.17556**.

(iv) A registered nurse licensed under ~~article 15~~ **part 172** of the public health code, 1978 PA 368, MCL ~~333.16101 to 333.18838~~ **333.17201 to 333.17242**.

(v) A psychologist and a limited licensed psychologist licensed under ~~article 15~~ **part 182** of the public health code, 1978 PA 368, MCL ~~333.16101 to 333.18838~~ **333.18201 to 333.18237**.

(vi) A counselor and a limited licensed counselor licensed under ~~article 15~~ **part 181** of the public health code, 1978 PA 368, MCL ~~333.16101 to 333.18838~~ **333.18101 to 333.18117**.

(vii) A licensed master's social worker licensed under ~~article 15~~ **part 185** of the public health code, 1978 PA 368, MCL ~~333.16101 to 333.18838~~ **333.18501 to 333.18518**.

(g) "Mechanical restraint" means a device attached or adjacent to the minor child's body that he or she cannot easily remove and that restricts freedom of movement or normal access to his or her



1 body. Mechanical restraint does not include the use of a protective
2 or adaptive device or a device primarily intended to provide
3 anatomical support. Mechanical restraint does not include use of a
4 mechanical device to ensure security precautions appropriate to the
5 condition and circumstances of a minor child placed in the child
6 caring institution as a result of an order of the family division
7 of circuit court under section 2(a) of chapter XIIIA of the probate
8 code of 1939, 1939 PA 288, MCL 712A.2.

9 (h) "Personal restraint" means the application of physical
10 force without the use of a device, for the purpose of restraining
11 the free movement of a minor child's body. Personal restraint does
12 not include:

13 (i) The use of a protective or adaptive device.

14 (ii) Briefly holding a minor child without undue force in order
15 to calm or comfort him or her.

16 (iii) Holding a minor child's hand, wrist, shoulder, or arm to
17 safely escort him or her from 1 area to another.

18 (iv) The use of a protective or adaptive device or a device
19 primarily intended to provide anatomical support.

20 (i) "Protective device" means an individually fabricated
21 mechanical device or physical barrier, the use of which is
22 incorporated in the individualized written plan of service. The use
23 of a protective device is intended to prevent the minor child from
24 causing serious self-injury associated with documented, frequent,
25 and unavoidable hazardous events.

26 (j) "Seclusion" means the involuntary placement of a minor
27 child in a room alone, where the minor child is prevented from
28 exiting by any means, including the physical presence of a staff
29 person if the sole purpose of that staff person's presence is to



1 prevent the minor child from exiting the room. Seclusion does not
 2 include the use of a sleeping room during regular sleeping hours to
 3 ensure security precautions appropriate to the condition and
 4 circumstances of a minor child placed in the child caring
 5 institution as a result of an order of the family division of
 6 circuit court under section 2(a) and (b) of chapter XIIIA of the
 7 probate code of 1939, 1939 PA 288, MCL 712A.2, if the minor child's
 8 individual case treatment plan indicates that the security
 9 precautions would be in the minor child's best interest.

10 (k) "Serious injury" means any significant impairment of the
 11 physical condition of the minor child as determined by qualified
 12 medical personnel that results from an emergency safety
 13 intervention. This includes, but is not limited to, burns,
 14 lacerations, bone fractures, substantial hematoma, and injuries to
 15 internal organs, whether self-inflicted or inflicted by someone
 16 else.

17 (2) ~~The provisions of this section and sections~~ **Sections 2c,**
 18 **2d, and 2e only** apply to a child caring institution that contracts
 19 with or receives payment from a community mental health services
 20 program or prepaid inpatient health plan for the care, treatment,
 21 maintenance, and supervision of a minor child in that child caring
 22 institution. **Sections 2c, 2d, and 2e do not apply to a children's**
 23 **therapeutic group home.**

24 **Sec. 2f. (1) This section applies to children's therapeutic**
 25 **group homes only.**

26 (2) As used in this section:

27 (a) "Immobilization" means extended physical management of a
 28 minor child, usually on the floor, where force is applied to the
 29 minor child's body in a manner that prevents him or her from moving



1 out of the position. Immobilization can be either a prone or face-
2 down position, or a supine or face-up position.

3 (b) "Physical management" means an emergency intervention
4 technique used by a staff member to restrict the movement of a
5 minor child by continued direct physical contact, despite the
6 child's resistance, to prevent him or her from physically harming
7 himself, herself, or others.

8 (3) Personal restraint and physical management shall only be
9 used in a children's therapeutic group home on an emergency basis
10 when the situation places the minor child or others at imminent
11 risk of serious physical harm and shall only be used briefly until
12 the minor child's safety and the safety of others can be ensured.

13 (4) Physical management for behavioral control purposes that
14 involves prone or supine immobilization of a minor child, including
15 any physical management that restricts a child's respiratory
16 process, is prohibited.

17 (5) Following an instance of the use of personal restraint or
18 physical management, staff members shall evaluate the minor child's
19 physical and psychological well-being to determine if an evaluation
20 is needed by a licensed practitioner who is authorized to conduct a
21 face-to-face evaluation.

22 (6) The face-to-face evaluation of the physical and
23 psychological well-being of the minor child must include, but is
24 not limited to, all of the following:

25 (a) The minor child's physical and psychological status.

26 (b) The minor child's behavior.

27 (c) The appropriateness of the intervention measures.

28 (d) Any complication resulting from the intervention.

29 (7) The minor child's parent or legal guardian must be



1 notified of any use of personal restraint or physical management.

2 (8) Each instance of personal restraint or physical management
3 requires full justification for its use, and the results of the
4 evaluation immediately following the use of personal restraint or
5 physical management must be placed in the minor child's record.

6 (9) Within 24 hours after the use of personal restraint or
7 physical management, all staff members involved in the intervention
8 and appropriate supervisory or administrative staff members must
9 conduct a debriefing session. The minor child's parent or legal
10 guardian may be included in the debriefing if considered
11 appropriate. The debriefing session must include, at a minimum, all
12 of the following:

13 (a) Discussion of the emergency safety situation that required
14 personal restraint or physical management, including a discussion
15 of the precipitating factors that led to the situation.

16 (b) Alternative techniques that might have prevented the use
17 of personal restraint or physical management.

18 (c) The procedures, if any, that staff members are using to
19 prevent a reoccurrence of the use of personal restraint or physical
20 management.

21 (d) The outcome of the emergency safety intervention.

22 (10) Each child caring institution licensed as a children's
23 therapeutic group home shall delegate and train staff members who
24 may utilize personal restraint during their employment.

25 (11) To ensure the safety of each minor child and staff
26 member, the training curriculum must be both of the following:

27 (a) Nationally recognized or have accreditation and include
28 empirical support for the effectiveness of the program.

29 (b) Designed for use with youth and children of the age and



1 size served by the children's therapeutic group home and emphasize
2 and teach crisis prevention and de-escalation before the use of
3 physical restraint. The curriculum must not include the use of pain
4 compliance.

5 (12) Documentation must exist either in the training
6 curriculum or in the organization's policy that includes the use of
7 a trauma-informed approach in relation to the use of crisis
8 intervention, de-escalation, and restraint.

9 (13) Documentation must exist either in the training
10 curriculum or in the organization's policy that supervisors are to
11 be notified as soon as possible of a restraint incident, and must
12 indicate that supervisors will be directly involved in the
13 restraint episode when possible.

14 (14) Training must address all of the following:

15 (a) Emergency physical management techniques to be utilized
16 during emergency situations.

17 (b) The use of nonphysical intervention skills, such as de-
18 escalation, mediation conflict resolution, active listening, and
19 verbal and observation methods, to prevent emergency safety
20 situations.

21 (c) Techniques to identify minor children's behaviors, events,
22 and environmental factors that may trigger an emergency safety
23 situation.

24 Enacting section 1. This amendatory act takes effect 90 days
25 after the date it is enacted into law.

