

SUBSTITUTE FOR
HOUSE BILL NO. 6195

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 2251 (MCL 333.2251), as amended by 2012 PA 180.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2251. (1) ~~Upon~~**On** a determination that an imminent danger
2 to the health or lives of individuals exists in this state, the
3 director immediately shall inform the individuals affected by the
4 imminent danger and, **subject to section 2251a**, issue an order that
5 ~~shall~~**must** be delivered to a person authorized to avoid, correct,
6 or remove the imminent danger or be posted at or near the imminent
7 danger. The order ~~shall~~**must** incorporate the director's findings
8 and require immediate action necessary to avoid, correct, or remove
9 the imminent danger. The order may specify action to be taken or

1 prohibit the presence of individuals in locations or under
2 conditions where the imminent danger exists, except individuals
3 whose presence is necessary to avoid, correct, or remove the
4 imminent danger.

5 (2) ~~Upon~~**On the** failure of a person to comply promptly with a
6 department order issued under this section, the department may
7 petition the circuit court having jurisdiction to restrain a
8 condition or practice ~~which~~**that** the director determines causes the
9 imminent danger or to require action to avoid, correct, or remove
10 the imminent danger.

11 (3) If the director determines that conditions anywhere in
12 this state constitute a menace to the public health, the director
13 may take full charge of the administration of applicable state and
14 local health laws, rules, regulations, and ordinances in addressing
15 that menace. **The director shall take action under this subsection**
16 **only for the time period that the conditions constitute a menace to**
17 **the public health or for 28 days, whichever is sooner. After 28**
18 **days, the director shall not take action under this subsection**
19 **unless a request from the director to continue to take full charge**
20 **of the administration of applicable state and local health laws,**
21 **rules, regulations, and ordinances for a specific number of days is**
22 **approved by resolution of both houses of the legislature.**

23 (4) If the director determines that an imminent danger to the
24 health or lives of individuals in this state can be prevented or
25 controlled by the promulgation of an emergency rule under section
26 48(2) of the administrative procedures act of 1969, ~~1969 PA 306,~~
27 MCL 24.248, to schedule or reschedule a substance as a controlled
28 substance as provided in part 72, the director shall notify the
29 director of the department of licensing and regulatory affairs and

1 the administrator of his or her determination in writing. The
2 notification ~~shall~~**must** include a description of the substance to
3 be scheduled or rescheduled and the grounds for his or her
4 determination. The director may provide copies of police, hospital,
5 and laboratory reports and other information to the director of the
6 department of licensing and regulatory affairs and the
7 administrator as considered appropriate by the director.

8 (5) As used in this section:

9 (a) "Administrator" means that term as defined in section
10 7103.

11 (b) "Imminent danger" means a condition or practice exists
12 that could reasonably be expected to cause death, disease, or
13 serious physical harm immediately or before the imminence of the
14 danger can be eliminated through enforcement procedures otherwise
15 provided.

16 (c) "Person" means a person as defined in section 1106 or a
17 governmental entity.

18 Enacting section 1. This amendatory act does not take effect
19 unless House Bill No. 6194 of the 101st Legislature is enacted into
20 law.