PUBLIC ENTITY ASBESTOS REMOVAL DISCLOSURE ACT

Act 16 of 2024

AN ACT to prohibit certain public entities from entering into certain contracts with certain entities that remove or abate asbestos; to require certain entities to disclose certain information when bidding on certain contracts with public entities; and to impose certain duties and responsibilities on certain public entities.

History: 2024, Act 16, Eff. Apr. 2, 2025

The People of the State of Michigan enact:

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338.3351 Short title.

Sec. 1.

This act may be cited as the "public entity asbestos removal disclosure act".

History: 2024, Act 16, Eff. Apr. 2, 2025

338.3353 Definitions.

Sec. 3.

As used in this act:

(a) "Asbestos" means a group of naturally occurring minerals that separate into fibers, including chrysotile, amosite, crocidolite, anthophyllite, tremolite, and actinolite.

(b) "Asbestos abatement contractor" means a business entity that is licensed under the asbestos abatement contractors licensing act, 1986 PA 135, MCL 338.3101 to 338.3319, and that carries on the business of asbestos abatement on the premises of another business entity and not on the asbestos abatement contractor's premises. Asbestos abatement contractor includes an individual or person with an ownership interest in a business entity described in this subdivision.

(c) "Asbestos abatement project" means any activity involving persons working directly with the demolition, renovation, or encapsulation of friable asbestos materials.

(d) "Public entity" means this state or an agency or authority of this state, school district, community college district, intermediate school district, city, village, township, county, land bank, public authority, or public airport authority.

History: 2024, Act 16, Eff. Apr. 2, 2025

338.3355 Asbestos abatement project; contract with public entity; affidavit requirements.

Sec. 5.

(1) A public entity shall not enter into an asbestos abatement project with an asbestos abatement contractor, or a general contractor that contracts with an asbestos abatement contractor, for the abatement of asbestos unless the asbestos abatement contractor seeking to bid on the asbestos abatement project, before entering into a contract with the public entity, files an affidavit describing any criminal convictions relating to compliance with environmental laws or regulations and any violation notices of environmental laws or regulations, or whether it has been subject to an administrative order or consent judgment within the immediately preceding 5 years. If the asbestos abatement contractor has a criminal conviction related to compliance with environmental regulations as disclosed by the asbestos abatement contractor, the public entity shall not enter into a contract for an asbestos abatement project with that asbestos abatement contractor.

(2) If an asbestos abatement contractor enters into a contract with a public entity for an asbestos abatement project, the asbestos abatement contractor shall not enter into a contract with another asbestos abatement contractor unless that asbestos abatement contractor files an affidavit as described in subsection (1).

History: 2024, Act 16, Eff. Apr. 2, 2025

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