

**HAZARDOUS SUBSTANCES ACT (EXCERPT)**  
**Act 188 of 1965**

\*\*\*\*\* 286.457 THIS SECTION IS REPEALED BY ACT 210 OF 2015 EFFECTIVE MARCH 14, 2016 \*\*\*\*\*

**286.457 Tagging or marking misbranded or banned hazardous substance; permission for removal or disposal of detained or embargoed article; petition to condemn article; destruction of article; costs; conditions to return of article to claimant.**

Sec. 7. (1) When a duly authorized agent of the administrator finds or has probable cause to believe that a hazardous household substance or toy is so misbranded as to be dangerous to the public health, or banned, within the meaning of this act, he shall affix to that article a tag or other appropriate marking, giving notice that the article is, or is suspected of being, a misbranded or banned hazardous substance and has been detained or embargoed, and warning all persons not to remove or dispose of the article by sale or otherwise until permission for removal or disposal is given by the agent or the court. A person shall not remove or dispose of a detained or embargoed article by sale or otherwise without permission.

(2) When an article detained or embargoed under subsection (1) has been found by the agent to be a misbranded or banned hazardous substance, the agent or at the agent's request, the attorney general or the prosecuting attorney of the county in which the article detained or embargoed is located, shall petition the judge of the circuit court in whose jurisdiction the article is detained or embargoed to condemn the article. When the agent has found that an article so detained or embargoed is not misbranded, he shall remove the tag or other marking.

(3) If the court finds that a detained or embargoed article is misbranded, the article, after entry of the judgment or order, shall be destroyed at the expense of the claimant thereof, under the supervision of the agent, and all court costs and fees, and storage and other proper expenses, shall be taxed against the claimant of the article or his agent. When the misbranding can be corrected by proper labeling of the article, the court, after entry of the judgment or order and after the costs, fees, and expenses have been paid and a good and sufficient bond, conditioned that the article shall be so labeled, has been executed, may direct that the article be delivered to claimant thereof for labeling under the supervision of an agent of the administrator. The expense of the supervision shall be paid by claimant. The article shall be returned to the claimant on the representation to the court by the administrator that the article is no longer in violation of this act, and that the expenses of supervision have been paid.

**History:** 1965, Act 188, Eff. Mar. 31, 1966;—Am. 1974, Act 377, Eff. Apr. 1, 1975.