

# HOUSE BILL No. 4023

February 1, 1989, Introduced by Rep. Bryant and referred to the Committee on Conservation, Recreation and Environment.

A bill to amend section 3 of Act No. 384 of the Public Acts of 1976, entitled

"An act to protect the environment and human health; to regulate the distribution and sale of certain chlorofluorocarbon compounds and to provide for their prohibition in this state; to prescribe powers and duties of the department of public health; and to prescribe penalties,"

being section 336.103 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Section 3 of Act No. 384 of the Public Acts of  
2 1976, being section 336.103 of the Michigan Compiled Laws, is  
3 amended to read as follows:

4       Sec. 3. (1) ~~The department shall promulgate rules devel-~~  
5 ~~oped pursuant to section 4 prohibiting the distribution, sale, or~~  
6 ~~offer or exposure for sale of aerosol spray cans containing a~~  
7 ~~restricted use chlorofluorocarbon compound as of January 1, 1979,~~  
8 ~~if the department affirmatively finds that the distribution,~~

~~1 sale, or offer or exposure for sale of restricted use~~  
~~2 chlorofluorocarbon compounds creates any significant environmen-~~  
~~3 tal or public health hazard.~~ A PERSON SHALL NOT SELL, OFFER TO  
4 SELL, OR USE A PRODUCT CONTAINING A RESTRICTED USE CHLOROFLUORO-  
5 CARBON COMPOUND UNLESS THAT PERSON HAS BEEN ISSUED A PERMIT FROM  
6 THE DEPARTMENT.

7 (2) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, UPON  
8 APPLICATION, THE DEPARTMENT SHALL ISSUE PERMITS TO SELL OR USE  
9 PRODUCTS CONTAINING RESTRICTED USE CHLOROFLUOROCARBON COMPOUNDS.  
10 AN APPLICATION FOR A PERMIT UNDER THIS SECTION SHALL BE IN THE  
11 FORM AND CONTAIN INFORMATION REQUIRED BY THE DEPARTMENT. A  
12 PERMIT ISSUED UNDER THIS SECTION SHALL BE EFFECTIVE FOR A PERIOD  
13 OF 1 YEAR AND MAY BE RENEWED ANNUALLY FOR UP TO 3 SUCCEEDING  
14 YEARS. HOWEVER, THE DEPARTMENT SHALL PROVIDE IN EACH PERMIT  
15 RENEWAL THAT THE AMOUNT OF RESTRICTED USE CHLOROFLUOROCARBON COM-  
16 POUNDS SOLD OR USED BY THAT PERSON IN THE PREVIOUS PERMIT YEAR  
17 SHALL BE REDUCED BY 25% IN EACH SUCCEEDING PERMIT YEAR.

18 (3) EXCEPT AS PROVIDED IN SECTION 4, AFTER DECEMBER 31,  
19 1992, A PERSON SHALL NOT SELL, OFFER TO SELL, OR USE A PRODUCT  
20 CONTAINING A RESTRICTED USE CHLOROFLUOROCARBON COMPOUND.

21 (4) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A  
22 FELONY, PUNISHABLE BY A FINE OF NOT MORE THAN \$10,000,000.00 FOR  
23 EACH VIOLATION.