

# HOUSE BILL No. 4138

February 9, 1989, Introduced by Reps. Perry Bullard, Gubow, Leland, Weeks and DeBeaussaert and referred to the Committee on Public Health.

A bill to amend Act No. 328 of the Public Acts of 1931, entitled

"The Michigan penal code,"

as amended, being sections 750.1 to 750.568 of the Michigan Compiled Laws, by adding section 493f.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Act No. 328 of the Public Acts of 1931, as  
2 amended, being sections 750.1 to 750.568 of the Michigan Compiled  
3 Laws, is amended by adding section 493f to read as follows:

4       SEC. 493F. (1) A PERSON WHO KNOWINGLY RELEASES OR CAUSES  
5 THE RELEASE OF INFECTIOUS MEDICAL WASTE IN VIOLATION OF THE  
6 INFECTIOUS MEDICAL WASTE REGULATORY ACT OR RULES PROMULGATED  
7 UNDER THAT ACT IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT  
8 FOR NOT MORE THAN 15 YEARS, OR A FINE OF NOT LESS THAN \$10,000.00  
9 AND NOT MORE THAN \$200,000.00 PER DAY OF VIOLATION, OR BOTH.

1       (2) A PERSON WHO NEGLIGENTLY RELEASES OR CAUSES THE RELEASE  
2 OF INFECTIOUS MEDICAL WASTE IN VIOLATION OF THE INFECTIOUS MEDI-  
3 CAL WASTE REGULATORY ACT OR RULES PROMULGATED UNDER THAT ACT IS  
4 GUILTY OF A MISDEMEANOR, PUNISHABLE BY IMPRISONMENT FOR NOT MORE  
5 THAN 1 YEAR, OR A FINE OF NOT LESS THAN \$1,000.00 AND NOT MORE  
6 THAN \$10,000.00 PER DAY OF VIOLATION, OR BOTH.

7       (3) A PERSON WHO KNOWINGLY MAKES A FALSE MATERIAL STATEMENT,  
8 REPRESENTATION, OR CERTIFICATION IN ANY APPLICATION, RECORD,  
9 REPORT, PLAN, OR OTHER DOCUMENT FILED OR REQUIRED TO BE MAIN-  
10 TAINED UNDER THE INFECTIOUS MEDICAL WASTE REGULATORY ACT OR RULES  
11 PROMULGATED UNDER THAT ACT IS GUILTY OF A FELONY, PUNISHABLE BY  
12 IMPRISONMENT FOR NOT MORE THAN 5 YEARS, OR A FINE OF NOT LESS  
13 THAN \$5,000.00 AND NOT MORE THAN \$50,000.00, OR BOTH.

14       (4) AS USED IN THIS SECTION:

15       (A) "INFECTIOUS MEDICAL WASTE" MEANS THAT TERM AS DEFINED IN  
16 SECTION 2 OF THE INFECTIOUS MEDICAL WASTE REGULATORY ACT.

17       (B) "RELEASE" MEANS ANY SPILLING, LEAKING, PUMPING, POURING,  
18 EMITTING, EMPTYING, DISCHARGING, INJECTING, ESCAPING, LEACHING,  
19 DUMPING, OR DISPOSING INTO THE ENVIRONMENT, EXCEPT FOR A RELEASE  
20 INTO THE WATERS OF THE STATE, AS REGULATED BY ACT NO. 245 OF THE  
21 PUBLIC ACTS OF 1929, BEING SECTIONS 323.1 TO 323.13 OF THE  
22 MICHIGAN COMPILED LAWS, INCLUDING THE ABANDONMENT OR DISCARDING  
23 OF BARRELS, CONTAINERS, OR OTHER CLOSED RECEPTACLES.

24       Section 2. This amendatory act shall take effect March 1,  
25 1990.

1       Section 3. This amendatory act shall not take effect unless  
2 Senate Bill No. \_\_\_\_\_ or House Bill No. 4136 (request  
3 no. 00587'89) of the 85th Legislature is enacted into law.