

# HOUSE BILL No. 5070

November 10, 2015, Introduced by Rep. Leutheuser and referred to the Committee on  
Commerce and Trade.

A bill to amend 1974 PA 154, entitled  
"Michigan occupational safety and health act,"  
by amending section 5 (MCL 408.1005), as amended by 2012 PA 447.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 5. (1) "Employee" means a person permitted to work by an  
2 employer.

3           (2) "Employer" means an individual or organization, including  
4 ~~the~~**THIS** state or a political subdivision, ~~which~~**THAT** employs 1 or  
5 more persons. **EXCEPT AS OTHERWISE SPECIFICALLY PROVIDED IN THE**  
6 **FRANCHISE AGREEMENT, AS BETWEEN A FRANCHISEE AND FRANCHISOR, THE**  
7 **FRANCHISEE IS CONSIDERED THE SOLE EMPLOYER OF WORKERS FOR WHOM THE**  
8 **FRANCHISEE PROVIDES A BENEFIT PLAN OR PAYS WAGES.**

9           (3) "Imminent danger" means a condition or practice in a place

1 of employment ~~which is~~ such that a danger exists ~~which~~ **THAT** could  
2 reasonably be expected to cause death or serious physical harm  
3 either immediately or before the imminence of the danger can be  
4 eliminated through the enforcement procedures otherwise provided. A  
5 container of an unknown and unlabeled chemical or a container of  
6 hazardous chemicals that is not labeled or for which a safety data  
7 sheet is not available as required by the standard incorporated by  
8 reference in section 14a shall be considered an imminent danger  
9 after meeting the provisions of section 31.

10 (4) "Inspection" means the examination or survey of a place of  
11 employment to detect the presence of an existing or potential  
12 occupational safety or health hazard or to determine compliance  
13 with this act ~~, OR WITH~~ rules or standards promulgated, or orders  
14 issued ~~pursuant to~~ **UNDER** this act.

15 (5) "Investigation" means the detailed evaluation or study of  
16 working conditions, including equipment, processes, substances, air  
17 contaminants, or physical agents with respect to the actual or  
18 potential occurrence of occupational accidents, illnesses, or  
19 diseases.

20 Enacting section 1. This amendatory act takes effect 90 days  
21 after the date it is enacted into law.