

HOUSE BILL No. 5823

April 17, 2018, Introduced by Reps. Wittenberg, Faris, Cambensy, Pagan, Liberati, Hammoud, Lasinski, Durhal, Santana, Camilleri, Elder, Geiss, Gay-Dagnogo, Chang, Rabhi, Zemke, Greimel, Clemente, Sneller, Yaroch and Jones 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 2016 PA 17.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5. (1) "Employee" means a person permitted to work by an
2 employer, **INCLUDING AN INDIVIDUAL WHO IS PERFORMING WORK PRIMARILY**
3 **FOR EDUCATIONAL PURPOSES, SUCH AS A STUDENT INTERN, WHETHER OR NOT**
4 **THE INDIVIDUAL RECEIVES PAYMENT OR ANY OTHER FORM OF COMPENSATION**
5 **OR BENEFIT FOR THE WORK.**

6 (2) "Employer" means an individual or organization, including
7 this state or a political subdivision, that employs 1 or more
8 persons. Except as otherwise specifically provided in the franchise
9 agreement, as between a franchisee and franchisor, the franchisee
10 is considered the sole employer of workers for whom the franchisee

1 provides a benefit plan or pays wages.

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

12 (4) "Inspection" means the examination or survey of a place of
13 employment to detect the presence of an existing or potential
14 occupational safety or health hazard or to determine compliance
15 with this act or with rules or standards promulgated or orders
16 issued under this act.

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

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