



HOUSE BILL No. 4014

January 11, 1995, Introduced by Rep. Clack and referred to the Committee on Conservation, Environment and Great Lakes.

A bill to prohibit discrimination in the programs and activities relating to occupational and community exposure to certain hazardous substances; and to provide for the powers and duties of certain persons.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as "the
2 public health equity act".

3 Sec. 2. As used in this act:

4 (a) "Covered substances" means any of the following:

5 (i) Material subject to the requirements concerning material
6 safety data sheets for chemicals under the occupational safety
7 and health act of 1970, Public Law 91-596, 84 Stat. 1590.

8 (ii) A contaminant identified in title XIV of the public
9 health service act, chapter 373, 88 Stat. 1660, 42 U.S.C. 300f to
10 300j-3, 300j-4 to 300j-9, and 300j-11 to 300j-25.

1 (iii) A substance described in section 201(q) of the federal
2 food, drug, and cosmetic act, chapter 675, 52 Stat. 1040, 21
3 U.S.C. 321, and any material registered pursuant to the federal
4 insecticide, fungicide, and rodenticide act, chapter 125, 86
5 Stat. 973, 7 U.S.C. 136 to 136i and 136j to 136y.

6 (iv) A chemical listed by the national toxicology program of
7 the department of health and human services as a known or proba-
8 ble human carcinogen.

9 (v) A substance defined in section 101 of title I of the
10 comprehensive environmental response, compensation, and liability
11 act of 1980, Public Law 96-510, 42 U.S.C. 9601, and any chemical
12 subject to section 313 of the emergency planning and community
13 right-to-know act of 1986, title III of Public Law 99-499, 42
14 U.S.C. 11023.

15 (b) "Program or activity provider" means 1 or more of the
16 following:

17 (i) A department, agency, or other instrumentality of a
18 state or of a local government.

19 (ii) The entity of a state or local government that distrib-
20 utes assistance and each department or agency, and each other
21 state or local government entity to which assistance is extended,
22 in the case of assistance to a state or local government.

23 (iii) A college, university, or other postsecondary institu-
24 tion, or a public system of higher education.

25 (iv) A corporation, partnership, or other private organiza-
26 tion, or an entire sole proprietorship if assistance is extended
27 to the corporation, partnership, private entity, or sole

1 proprietorship as a whole; or which is principally engaged in the
2 business of providing education, health care, housing, social
3 services, or parks and recreation.

4 (v) The entire plant or other comparable, geographically
5 separate facility to which federal financial assistance is
6 extended, in the case of any other corporation, partnership, pri-
7 vate entity, or sole proprietorship.

8 (vi) Any other entity that is established by 2 or more of
9 the entities described in subparagraphs (i) to (v), any part of
10 which is extended governmental financial assistance relating to a
11 covered substance.

12 Sec. 3. The legislature finds all of the following:

13 (a) All communities and individuals are entitled to protec-
14 tion from occupational and other exposure to substances that are
15 hazardous to the public health.

16 (b) Hazardous substances have had a disproportionate impact
17 on the public health of poor and ethnic minority communities and
18 individuals, resulting in exclusion from participation in, denial
19 of benefits under, and discrimination under programs and activi-
20 ties receiving governmental financial assistance.

21 (c) Each state agency shall ensure that all programs and
22 activities assisted by that state agency that affect human health
23 do not directly or through contractual arrangements use criteria,
24 methods, or practices that cause discrimination on the ground of
25 race, color, or national origin.

26 Sec. 4. (1) The governor and state departments shall ensure
27 that no person shall be excluded from participation in, be denied

1 the benefits of, or be subject to discrimination by any program
2 or activity provider, on the basis of race, color, or national
3 origin.

4 (2) Subject to subsection (3), the director of labor, the
5 director of public health, the director of social services, and
6 the head of a state agency with responsibility for providing
7 state financial assistance to a program or activity shall promul-
8 gate rules pursuant to the administrative procedures act of 1969,
9 Act No. 306 of the Public Acts of 1969, being sections 24.201 to
10 24.328 of the Michigan Compiled Laws, implementing the nondis-
11 crimination requirements described in subsection (1) in accord-
12 ance with applicable law. The rules shall bar acts which have
13 unintentional but predictable discriminatory effects as well as
14 intentionally discriminatory acts. The rules shall address
15 actions of programs or activities that result in disproportionate
16 exposure to a covered substance on the basis of race, color, or
17 national origin.

18 (3) Rules required under this section shall be submitted to
19 the joint committee on administrative rules within 6 months of
20 the effective date of this act.