

Act No. 431
Public Acts of 2004
Approved by the Governor
December 21, 2004
Filed with the Secretary of State
December 21, 2004
EFFECTIVE DATE: December 21, 2004

**STATE OF MICHIGAN
92ND LEGISLATURE
REGULAR SESSION OF 2004**

Introduced by Senators Scott, Cherry, Schauer, Jacobs, Brater, Clark-Coleman, Goschka, Toy and Cropsey

ENROLLED SENATE BILL No. 753

AN ACT to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," (MCL 333.1101 to 333.25211) by adding section 5474a; and to repeal acts and parts of acts.

The People of the State of Michigan enact:

Sec. 5474a. (1) Within 30 days after the effective date of this section, the governor shall establish a childhood lead poisoning prevention and control commission within the department of community health. The commission shall consist of the following 9 voting members appointed by the governor with the advice and consent of the senate:

(a) One member representing the department of community health. The member appointed under this subdivision shall serve as chairperson.

(b) One member representing the family independence agency.

(c) One member representing the department of environmental quality.

(d) One member representing the Michigan state housing development authority.

(e) One member representing "Get the Lead Out!". The member appointed under this subdivision shall be from a county with a population of more than 500,000 but not more than 700,000.

(f) One member representing a local health department located in a county with a population of more than 170,000 but not more than 200,000.

(g) One member representing certified lead-abatement contractors.

(h) Two members representing the general public. One of the members appointed under this subdivision shall be from a city with a population of 750,000 or more and be a parent of a child who has experienced lead poisoning or a child advocate who has experience with lead poisoning in children. The second member appointed under this subdivision shall represent property owners and developers in this state.

(2) Members of the commission shall serve without compensation but, subject to appropriations, may receive reimbursement for their actual and necessary expenses while attending meetings or performing other authorized official business of the commission. If a vacancy occurs on the commission, that vacancy shall be filled in the same manner as the original appointment.

(3) The childhood lead poisoning prevention and control commission shall conduct at least 2 public hearings to seek input from the general public and all of the following groups or individuals that have an interest in childhood lead poisoning prevention and control:

- (a) The Michigan association of osteopathic family practitioners or its successor organization.
- (b) The Michigan nurses association or its successor organization.
- (c) The Michigan association of nurse practitioners or its successor organization.
- (d) The Michigan association of health plans or its successor organization.
- (e) The Michigan association of local public health or its successor organization.
- (f) Blue cross blue shield of Michigan or its successor organization.
- (g) The Michigan health and hospital association or its successor organization.
- (h) The Michigan head start association or its successor organization.
- (i) The Michigan council for maternal and child health or its successor organization.
- (j) Michigan's children or its successor organization.
- (k) Michigan league for human services or its successor organization.
- (l) Detroit public schools or its successor organization.
- (m) The rental property owners association or its successor organization.
- (n) The Michigan association of general contractors or its successor organization.
- (o) The Michigan association of realtors or its successor organization.
- (p) The Michigan environmental council or its successor organization.
- (q) The Michigan adult blood lead epidemiology and surveillance program or its successor organization.
- (r) The Michigan state university extension program or its successor organization.
- (s) The Detroit lead partnership or its successor organization.
- (t) The Michigan lead safe partnership or its successor organization.
- (u) The Detroit mayor's lead task force or its successor organization.
- (v) United parents against lead or its successor organization.
- (w) The department of education or its successor organization.
- (x) The Michigan department of community health medical services administration or its successor organization.
- (y) The Michigan occupational safety and health administration or its successor organization.
- (z) The Michigan department of community health bureau of laboratories or its successor organization.
- (aa) An occupational and environmental medicine specialist.
- (bb) Parents or patient advocates of children who have experienced lead poisoning.
- (cc) A local housing authority.
- (dd) A community reinvestment officer.
- (ee) The Michigan state medical society or its successor organization.
- (ff) The Michigan academy of family practice or its successor organization.
- (gg) Saint Mary's field neurosciences institute or its successor organization.
- (hh) The American academy of pediatrics or its successor organization.
- (ii) The arc Michigan organization or its successor organization.

(jj) Any other interested organization or association concerned with the prevention, treatment, and control of lead poisoning that the department determines necessary.

(4) The first public hearing shall be held within 60 days after the commission has been appointed under subsection (1). The commission may hold additional public hearings as it determines necessary or appropriate to carry out its duties under this part.

(5) The commission shall conduct its business at a public meeting held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. The commission shall give public notice of the time, date, and place of the meeting in the manner required by the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

(6) The commission shall make available a writing prepared, owned, used, in the possession of, or retained by the childhood lead poisoning prevention and control commission to the public in compliance with the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(7) As used in this section, "commission" means the commission created and appointed by the governor under subsection (1).

(8) This section is repealed effective July 1, 2007.

Enacting section 1. This amendatory act does not take effect unless House Bill No. 5118 of the 92nd Legislature is enacted into law.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate

Ray E. Randall

Clerk of the House of Representatives

Approved _____

Governor