

HOUSE BILL NO. 4501

March 11, 2021, Introduced by Reps. Beson, Beeler, Bellino, Maddock, Carra, Whiteford, Howell, Roth and Fink and referred to the Committee on Government Operations.

A bill to amend 1974 PA 154, entitled
"Michigan occupational safety and health act,"
(MCL 408.1001 to 408.1094) by adding section 38.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 38. (1) The department shall not assess an employer a civil penalty for violating an emergency standard if all of the following conditions are met:

- (a) The emergency standard addresses COVID-19.**
- (b) The violation is the employer's first violation of the emergency standard.**
- (c) The employer takes action to correct the violation.**
- (2) If the department assesses an employer a civil penalty for violating an executive order issued by the governor that deals with COVID-19 and that is determined to be unconstitutional or**

otherwise void by the supreme court, and if the employer pays the civil penalty, the department shall reimburse the employer the amount of the civil penalty. The reimbursement must be made within 30 days after the later of the effective date of the amendatory act that added this section or the effective date of the supreme court's order. This subsection is retroactive and applies regardless of whether the civil penalty was assessed before the effective date of the amendatory act that added this section.