

**No. 34**  
**STATE OF MICHIGAN**  
**JOURNAL**  
**OF THE**  
**House of Representatives**  
**100th Legislature**  
**REGULAR SESSION OF 2020**

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House Chamber, Lansing, Tuesday, April 28, 2020.

10:00 a.m.

The House was called to order by the Clerk.

The roll was called by the Clerk of the House of Representatives, who announced that a quorum was not present.

**Notices**

April 27, 2020

Dear Secretary O'Brien and Clerk Randall,

Pursuant to the authority granted in Joint Rule 15 of the Senate and House of Representatives, you are hereby notified that we have unanimously determined there is a need to convene the Senate and House of Representatives on both Tuesday, April 28, 2020 at 10:00 a.m. and Wednesday, April 29, 2020 at 10:00 a.m. We respectfully request that you prepare all necessary notices and communications for these sessions of the Senate and House of Representatives.

Sincerely,

Mike Shirkey  
Senate Majority Leader

Lee Chatfield  
Speaker of the House

By unanimous consent the House returned to the order of

**Announcement by the Clerk of Printing and Enrollment**

The Clerk announced that the following bills and joint resolutions had been reproduced and made available electronically on Friday, April 24:

<b>House Bill Nos.</b>	<b>5714</b>	<b>5715</b>	<b>5716</b>	<b>5717</b>	<b>5718</b>	<b>5719</b>	<b>5720</b>	<b>5721</b>	<b>5722</b>	<b>5723</b>	<b>5724</b>	<b>5725</b>	<b>5726</b>
	<b>5727</b>	<b>5728</b>	<b>5729</b>	<b>5730</b>	<b>5731</b>	<b>5732</b>	<b>5733</b>	<b>5734</b>	<b>5735</b>	<b>5736</b>	<b>5737</b>	<b>5738</b>	<b>5739</b>
	<b>5740</b>												
<b>Senate Bill Nos.</b>	<b>861</b>	<b>862</b>	<b>863</b>	<b>864</b>	<b>865</b>	<b>866</b>	<b>867</b>	<b>868</b>	<b>869</b>	<b>870</b>	<b>871</b>	<b>872</b>	<b>873</b>
	<b>874</b>	<b>875</b>	<b>876</b>	<b>877</b>	<b>878</b>	<b>879</b>	<b>880</b>	<b>881</b>	<b>882</b>	<b>883</b>	<b>884</b>	<b>885</b>	<b>886</b>
	<b>887</b>	<b>888</b>	<b>889</b>	<b>890</b>									
<b>Senate Joint Resolutions</b>	<b>N</b>	<b>O</b>											

The Clerk announced that the following Senate bills had been received on Friday, April 24:

**Senate Bill Nos.**    **857**    **858**

### Messages from the Senate

#### House Concurrent Resolution No. 20.

A concurrent resolution to create the Joint Select Committee on the COVID-19 Pandemic.

(For text of concurrent resolution, see House Journal No. 33, p. 656.)

The Senate has adopted the concurrent resolution.

The concurrent resolution was referred to the Clerk for record.

#### Senate Bill No. 857, entitled

A bill to repeal 1945 PA 302, entitled “An act authorizing the governor to proclaim a state of emergency, and to prescribe the powers and duties of the governor with respect thereto; and to prescribe penalties,” (MCL 10.31 to 10.33).

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Government Operations.

#### Senate Bill No. 858, entitled

A bill to amend 1976 PA 390, entitled “Emergency management act,” by amending section 3 (MCL 30.403), as amended by 2002 PA 132.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Government Operations.

### Messages from the Governor

The following message from the Governor was received April 26, 2020 and read:

#### EXECUTIVE ORDER

##### No. 2020-60

#### Temporary safety measures for food-selling establishments and pharmacies and temporary relief from requirements applicable to the renewal of licenses for the food-service industry

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401 et seq., and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31 et seq.

In the three weeks that followed, the virus spread across Michigan, bringing deaths in the hundreds, confirmed cases in the thousands, and deep disruption to this state’s economy, homes, and educational, civic, social, and religious institutions. On April 1, 2020, in response to the widespread and severe health, economic, and social harms posed by the COVID-19 pandemic, I issued Executive Order 2020-33. This order expanded on Executive Order 2020-4 and declared both a state of emergency and a state of disaster across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, and the Emergency Powers of the Governor Act of 1945.

The Emergency Management Act vests the governor with broad powers and duties to “cop[e] with dangers to this state or the people of this state presented by a disaster or emergency,” which the governor may implement through “executive orders, proclamations, and directives having the force and effect of law.” MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945 provides that, after declaring a state of emergency, “the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control.” MCL 10.31(1).

The COVID-19 pandemic has created the risk of COVID-19 exposure in food-selling establishments and pharmacies. Given the need to protect employees and the public from exposure to COVID-19, it is necessary and reasonable to impose standards for food-selling establishments and pharmacies to reduce the risk of COVID-19 exposure and disease transmission. In addition, the COVID-19 pandemic has placed an immediate and unprecedented strain on Michigan's food service industries, local health departments, and the Michigan Department of Agriculture and Rural Development (MDARD). Given the additional workload of local health departments and MDARD due to the COVID-19 pandemic, and given these agencies' statutorily defined role in the renewal of licenses for the food service industry, it is also necessary and reasonable to provide limited and temporary relief from certain licensing requirements and regulations.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. Any individual who enters a food-selling establishment or pharmacy who is able to medically tolerate a face covering must wear a covering over his or her nose and mouth, such as a homemade mask, scarf, bandana, or handkerchief.
2. Grocery stores and pharmacies must create at least two hours per week of dedicated shopping time for vulnerable populations, which for purposes of this order are people over 60, pregnant people, and those with chronic conditions, including heart disease, diabetes, and lung disease.
3. Food-selling establishments and pharmacies must deploy strategies to reduce COVID-19 exposure for their customers and employees, including but not limited to the strategies described in sections 11 and 12 of Executive Order 2020-59 or any order that follows from it, as well as the following:
  - (a) Provide access to handwashing facilities, including those available in public restrooms;
  - (b) Require checkout employees to wear coverings over their noses and mouths, such as homemade masks, scarves, bandanas, or handkerchiefs;
  - (c) Allow employees sufficient break time to wash hands as needed;
  - (d) Use best efforts to ensure checkout employees to disinfect their hands between orders to prevent cross-contamination;
  - (e) Use best efforts to provide employees and customers access to an alcohol-based hand sanitizer that contains at least 60% alcohol, as recommended by the Centers for Disease Control and Prevention (CDC);
  - (f) Use best efforts to provide disinfecting wipes at cash registers and entrance points for customers to disinfect carts and baskets, as well as at other appropriate locations;
  - (g) Ensure that both employees and customers remain at least six feet apart to the maximum extent possible, including during employee breaks, for example by reviewing floor plans, creating temporary barriers, designating aisles as one-way only, and demarcating queueing distances;
  - (h) Close self-serve prepared food stations such as salad bars;
  - (i) Eliminate free samples and tasting stations;
  - (j) Adopt procedures to meet the environmental cleaning guidelines set by the CDC, including by cleaning and disinfecting frequent touchpoints throughout the day such as point of sale terminals at registers, shopping carts, and shopping baskets;
  - (k) Prohibit employees who are sick from reporting to work and send employees home if they display symptoms of COVID-19. Employees who test positive for COVID-19 or who display one or more of the principal symptoms of COVID-19 should follow the procedures of Executive Order 2020-36 or any order that follows from it;
  - (l) Accommodate employees who fall within a vulnerable population by providing lower-exposure work assignments or giving them the option to take an unpaid leave of absence with a return date coinciding with the end of the declared states of emergency and disaster, or May 21, 2020, whichever is later. Nothing in this executive order abrogates any right to disability benefits. Employees who take an unpaid leave of absence as described in this subsection are encouraged to apply for unemployment benefits;
  - (m) Close to the public for sufficient time each night to allow stores to be properly sanitized;
  - (n) Encourage cash transactions to be processed at self-checkout kiosks when possible; and
  - (o) Develop and implement a daily screening program, as described herein, for all staff upon or just prior to reporting to work sites.
    - (1) The screening procedures must include the following questions:
      - (A) Do you have any of the following symptoms?
        - (i) Fever of 100.4 degrees or higher (as measured by a touchless thermometer if available, but a verbal confirmation of lack of fever is sufficient if a touchless thermometer is not available);
        - (ii) Cough (excluding chronic cough due to a known medical reason other than COVID-19);

- (iii) Shortness of breath;
  - (iv) Sore throat; or
  - (v) Diarrhea (excluding diarrhea due to a known medical reason other than COVID-19).
- (B) Have you travelled internationally or outside of Michigan in the last 14 days, excluding commuting from a home location outside of Michigan? For purposes of this order, commuting is defined as traveling between one's home and work on a regular basis.
- (C) Have you had any close contact in the last 14 days with someone with a diagnosis of COVID-19?
- (2) Any affirmative response to screening questions (1)(A) or (B) above requires the individual to be excluded:
- (A) For at least 72 hours with no fever (three full days of no fever without use of medicine that reduces fever) and other symptoms have improved (for example, when cough and shortness of breath have improved) and at least seven days have passed since symptoms first appeared.
  - (B) Except for necessary workers engaged in travel related to supply chain and critical infrastructure, for 14 days following travel unless that travel was due to commuting from a home location outside of Michigan.
- (3) An employee who provides an affirmative response to screening question An employee who provides an affirmative response to screening question (1)(C) may be allowed to continue work at the employer's discretion provided they remain asymptomatic and the employer implements the following additional precautions to protect the employee and the community:
- (A) Employers should measure the employee's temperature and assess symptoms each day before they start work. Ideally, temperature checks should happen before the individual enters the facility. A touchless thermometer, or a dedicated thermometer for the employee if not touchless, should be used. Sharing of any thermometer other than a touchless thermometer is strictly prohibited.
  - (B) As long as the employee does not have a fever or other symptoms, they should self-monitor under the supervision of their employer's occupational health program or other programs in place to protect employee health and safety.
  - (C) If the employee begins to experience symptoms during the day, they should be sent home immediately.
  - (D) The employee should wear a face mask at all times while in the workplace for 14 days after last exposure. Employers can issue facemasks or can approve employees' supplied cloth face coverings in the event of shortages.
  - (E) The employee should maintain at least six feet of distance from other people as work duties permit.
  - (F) Beyond standard cleaning protocol, clean and disinfect all areas such as offices, bathrooms, common areas, and shared electronic equipment routinely known to be impacted by the exposed employee for 14 days after last exposure.
- (4) Nothing in this section limits the operations of first responders, health care institutions, public health functions, pharmacies, and other entities that are involved in the mitigation of risk during this pandemic.
4. Vendors moving between food-selling establishments must frequently clean and disinfect frequent touch points.
5. If an employee at a food-selling establishment tests positive for COVID-19, the establishment must notify food vendors and other employees of the positive test result as soon as possible and in no case later than 12 hours after receiving the test result, without revealing the personal health-related information of any employee.
6. Strict compliance with sections 3119, 4109, 4113, and 4115 of the Food Law, 92 PA 2000, as amended, MCL 289.3119, MCL 289.4109, MCL 289.4113, and MCL 289.4115, is temporarily suspended to the extent necessary to extend the deadline for local health departments to submit fees under section 3119, and to extend the license and registration expiration dates under sections 4109 and 4115, until 60 days after the end of the declared states of emergency and disaster. Furthermore, late fees shall not be assessed under sections 4113 or 4115 during the 2020–2021 license year.
7. Strict compliance with subsection 6137 of the Food Law, MCL 289.6137, is suspended to the extent necessary to make a license holder eligible for a special transitory temporary food unit for the 2020-2021 licensing year, even if the license holder received only 1 evaluation during the 2019-2020 licensing year.

- 8. For the purposes of this order, “food-selling establishments” means grocery stores, convenience stores, restaurants that sell groceries or food available for takeout, and any other business that sells food.
- 9. Consistent with MCL 10.33 and MCL 30.405(3), a willful violation of this order is a misdemeanor.
- 10. This order is effective immediately and continues through May 22, 2020.

Given under my hand and the Great Seal of the State of Michigan.

Date: April 24, 2020

Time: 11:28 am

[SEAL]

GRETCHEN WHITMER  
 GOVERNOR  
 By the Governor:  
 JOCELYN BENSON  
 SECRETARY OF STATE

The message was referred to the Clerk.

The following message from the Governor was received April 26, 2020 and read:

**EXECUTIVE ORDER**

**No. 2020-61**

**Temporary relief from certain restrictions and requirements governing the provision of medical services**

**Rescission of Executive Order 2020-30**

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401 et seq., and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31 et seq.

In the three weeks that followed, the virus spread across Michigan, bringing deaths in the hundreds, confirmed cases in the thousands, and deep disruption to this state’s economy, homes, and educational, civic, social, and religious institutions. On April 1, 2020, in response to the widespread and severe health, economic, and social harms posed by the COVID-19 pandemic, I issued Executive Order 2020-33. This order expanded on Executive Order 2020-4 and declared both a state of emergency and a state of disaster across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, and the Emergency Powers of the Governor Act of 1945.

The Emergency Management Act vests the governor with broad powers and duties to “cop[e] with dangers to this state or the people of this state presented by a disaster or emergency,” which the governor may implement through “executive orders, proclamations, and directives having the force and effect of law.” MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945 provides that, after declaring a state of emergency, “the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control.” MCL 10.31(1).

Responding effectively to the urgent and steep demands created by the COVID-19 pandemic will require the help of as many health care professionals as possible, working in whatever capacities are appropriate to their respective education, training, and experience. To ensure health care professionals and facilities are fully enabled to provide the critical assistance and care needed by this state and its residents during this unprecedented emergency, it is reasonable and necessary to provide limited and temporary relief from certain restrictions and requirements governing the provision of medical services.

Executive Order 2020-20 provided this relief. This order extends its duration and expands its scope, as it remains reasonable and necessary to provide flexibility to allow health professionals to practice with fewer restrictions and requirements.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

- 1. Any and all provisions in Article 15 of the Public Health Code, 1978 PA 368, as amended, MCL 333.16101 et seq., relating to scope of practice, supervision, and delegation, are temporarily

- suspended, in whole or part, to the extent necessary to allow licensed, registered, or certified health care professionals to provide, within a designated health care facility at which the professional is employed or contracted to work, medical services that are necessary to support the facility's response to the COVID-19 pandemic and are appropriate to the professional's education, training, and experience, as determined by the facility in consultation with the facility's medical leadership.
- (a) Medical services may be provided under this section without supervision from a licensed physician, without regard to a written practice agreement with a physician, and without criminal, civil, or administrative penalty related to a lack of supervision or to the lack of such agreement.
  - (b) The suspensions of Article 15 under this section include, but are not limited to, the following:
    - (1) Parts 170, 175, and 180, and related provisions, MCL 333.17001 et seq., MCL 333.17501 et seq., and MCL 333.18001 et seq., as they relate to scope of practice, supervision, and delegation, to the extent necessary to permit physician assistants to provide medical services appropriate to the professional's education, training, and experience, without a written practice agreement with a physician and without criminal, civil, or administrative penalty related to a lack of such agreement.
    - (2) Parts 170, 172, and 175, and related provisions, MCL 333.17001 et seq., MCL 333.17201 et seq., and MCL 333.17501 et seq., as they relate to scope of practice, supervision, and delegation, to the extent necessary to permit advanced practice registered nurses, as defined in MCL 333.17201 and including nurse anesthetists, to provide medical services appropriate to the professional's education, training, and experience, without physician supervision and without criminal, civil, or administrative penalty related to a lack of such supervision.
    - (3) Parts 170, 172, and 175, and related provisions, MCL 333.17001 et seq., MCL 17201 et seq., and MCL 17501 et seq., as they relate to scope of practice, supervision, and delegation, to the extent necessary to permit registered nurses and licensed practical nurses to order the collection of throat or nasopharyngeal swab specimens from individuals suspected of being infected by COVID-19, for purposes of testing.
    - (4) Part 172 and related provisions, MCL 333.17201 et seq., as they relate to scope of practice, supervision, and delegation, to the extent necessary to permit licensed practical nurses to provide medical services appropriate to the professional's education, training, and experience, without registered nurse supervision and without criminal, civil, or administrative penalty related to a lack of such supervision.
    - (5) Part 177 and related provisions, MCL 333.17701 et seq., as they relate to scope of practice, supervision, and delegation, to the extent necessary to permit licensed pharmacists to provide care for routine health maintenance, chronic disease states, or similar conditions, as appropriate to the professional's education, training, and experience, without physician supervision and without criminal, civil, or administrative penalty related to a lack of such supervision.
  - (c) Nothing in this section diminishes the ability of unlicensed health care professionals to practice in Michigan under section 16171 of the Public Health Code, MCL 333.16171, which provides certain exceptions to licensure and which remains in full force and effect.
2. Notwithstanding any law, regulation, or executive order to the contrary, and without the need for a clinical affiliation agreement, a designated health care facility is temporarily authorized:
    - (a) To allow students who are enrolled in programs to become licensed, registered, or certified health care professionals to volunteer or work within the facility in whatever roles that are necessary to support the facility's response to the COVID-19 pandemic and are appropriate to the student's education, training, and experience, as determined by the facility in consultation with the facility's medical leadership.
    - (b) To allow medical students, physical therapists, and emergency medical technicians to volunteer or work within the facility as "respiratory therapist extenders" under the supervision of physicians, respiratory therapists, or advanced practice registered nurses. Such extenders may assist respiratory therapists and other health care professionals in the operation of ventilators or related devices. Nothing in this section shall be taken to preclude such extenders from providing any other services that are necessary to support the facility's response to the COVID-19 pandemic and are appropriate to their education, training, and experience, as determined by the facility in consultation with the facility's medical leadership.
  3. Any and all provisions in Article 15 of the Public Health Code, MCL 333.16101 et seq., are temporarily suspended, in whole or part, to the extent necessary to allow health care professionals

licensed and in good standing in any state or territory in the United States to practice in Michigan without criminal, civil, or administrative penalty related to lack of licensure. A license that has been suspended or revoked is not considered a license in good standing, and a licensee with pending disciplinary action is not considered to have a license in good standing. Any license that is subject to a limitation in another state is subject to the same limitation in this state.

4. Notwithstanding any law, regulation, or executive order to the contrary, any drug manufacturer or wholesale distributor of prescription drugs licensed in another state whose license is in good standing is temporarily authorized to distribute and ship controlled substances into Michigan to a hospital or to a licensed manufacturer or wholesale distributor under section 17748 of the Public Health Code, MCL 333.17748. A license that has been suspended or revoked is not considered a license in good standing, and a licensee with pending disciplinary action is not considered to have a license in good standing. Any license that is subject to a limitation in another state is subject to the same limitation in this state.
5. Notwithstanding any law or regulation to the contrary, a designated health care facility is temporarily authorized to use qualified volunteers or qualified personnel affiliated with other designated health care facilities, and to adjust the scope of practice of these volunteers or personnel under section 1 or 2 of this order as if the volunteers or personnel were affiliated with the facility. This section is subject to any terms and conditions that may be established by the director of the Department of Health and Human Services.
6. Any unlicensed volunteers or students at a designated health care facility who perform activities in support of this state's response to the COVID-19 pandemic constitute personnel of a disaster relief force under section 11 of the Emergency Management Act, MCL 30.411, and, with respect to such activities, are entitled to the same rights and immunities as provided by law for the employees of this state, as provided under MCL 30.411(1)(c).
7. The licensing requirements of parts 170, 172, 175, and 187 of the Public Health Code, MCL 333.17001 et seq., MCL 333.17201 et seq., MCL 333.17501 et seq., and MCL 333.18701 et seq., are temporarily suspended to the extent necessary to allow the Department of Licensing and Regulatory Affairs (LARA) to issue an appropriate license that lasts for the duration of the declared states of emergency and disaster to any physician, physician assistant, registered professional nurse, licensed practical nurse, or respiratory therapist who (a) is licensed in good standing in another country, (b) has at least five years' practice experience, and (c) has practiced for at least one year in the last five years. LARA shall adopt a form for license applications under this section, containing such information and certifications as the director of LARA may require. The director of LARA may issue a license upon a finding that the applicant, by education, training, or experience, substantially meets the requirements for licensure of the Public Health Code.
8. Consistent with MCL 30.411(4), any licensed health care professional or designated health care facility that provides medical services in support of this state's response to the COVID-19 pandemic is not liable for an injury sustained by a person by reason of those services, regardless of how or under what circumstances or by what cause those injuries are sustained, unless it is established that such injury or death was caused by the gross negligence, as defined in MCL 30.411(9), of such health care professional or designated health care facility.
9. Any law or regulation is temporarily suspended to the extent that it requires for any health care professional, as a condition of licensure, certification, registration, or the renewal of a license, certification, or registration:
  - (a) An exam, to the extent that the exam's administration has been canceled while the emergency declaration is in effect.
  - (b) Fingerprinting, to the extent that, in the judgment of the director of LARA, locations to have fingerprints taken are substantially unavailable on account of closures arising from the COVID-19 pandemic.
  - (c) Continuing education while the emergency declaration is in effect.
10. Professional certifications of individuals in basic life support, advanced cardiac life support, and first aid shall continue to remain in effect while the emergency declaration is in effect, even if they are otherwise due to expire during the emergency.
11. Any deadlines for telecommunicators and trainee telecommunicators who are employed by primary public safety answering points to complete training modules or continuing education under Rules 484.803, 484.804, and 484.805 of the Michigan Administrative Code are suspended until 60 days after the termination of the declared states of emergency and disaster.
12. Strict compliance with rules and procedures under section 34b of the Adult Foster Care Facility Licensing Act, 1979 PA 218, as amended, MCL 400.734b, section 20173a of the Public Health

Code, 1978 PA 368, as amended, MCL 333.20173a, and section 134a of the Mental Health Code, 1974 PA 258, as amended, MCL 330.1134a, is temporarily suspended to the extent necessary to permit a care facility to offer employment, a contract, or clinical privileges to any individual, provided the facility conducts a search of public records on that individual through the internet criminal history access tool (ICHAT) maintained by the Michigan State Police, and the results of that search do not uncover any information that would make the individual ineligible to have regular direct access to or provide direct services to patients or residents. Any requirement to obtain a criminal record check from the Federal Bureau of Investigation or a criminal history check from the Michigan State Police is suspended until 10 business days after the end of the declared states of emergency and disaster. Any law or regulation is temporarily suspended to the extent that it requires employee fingerprinting as a condition of licensure and certification for hospitals and county medical care facilities.

For purposes of this section, “care facility” means:

- (a) An adult foster care camp, adult foster care congregate facility, or adult foster care facility, as those terms are defined in sections 3(2)–(4) of the Adult Foster Care Facility Licensing Act, MCL 400.703(2)–(4).
- (b) A covered facility, as that term is defined in section 20173a(15)(c) of the Public Health Code, MCL 333.20173a(15)(c).
- (c) A psychiatric hospital, as that term is defined in section 110b of the Mental Health Code, MCL 330.1100b(7).

13. For purposes of this order, “designated health care facility” means the following facilities, including those which may operate under shared or joint ownership:

- (a) The entities listed in section 20106(1) of the Public Health Code, MCL 333.20106(1).
- (b) State-owned surgical centers.
- (c) State-operated outpatient facilities.
- (d) State-operated veterans facilities.
- (e) Entities used as surge capacity by any of the entities listed in subsections (a)–(d) of this section.

14. This order is effective immediately and continues until the end of the declared states of emergency and disaster.

15. Executive Order 2020-30 is rescinded.

Given under my hand and the Great Seal of the State of Michigan.

Date: April 26, 2020

Time: 11:38 am

[SEAL]

GRETCHEN WHITMER

GOVERNOR

By the Governor:

JOCELYN BENSON

SECRETARY OF STATE

The message was referred to the Clerk.

The following message from the Governor was received April 26, 2020 and read:

**EXECUTIVE ORDER**

**No. 2020-62**

**Temporary COVID-19 protocols for entry into Michigan Department of Corrections facilities and transfers to and from Department custody; temporary recommended COVID-19 protocols and enhanced early-release authorization for county jails, local lockups, and juvenile detention centers**

**Rescission of Executive Order 2020-29**

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401 et seq., and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31 et seq.



In the three weeks that followed, the virus spread across Michigan, bringing deaths in the hundreds, confirmed cases in the thousands, and deep disruption to this state's economy, homes, and educational, civic, social, and religious institutions. On April 1, 2020, in response to the widespread and severe health, economic, and social harms posed by the COVID-19 pandemic, I issued Executive Order 2020-33. This order expanded on Executive Order 2020-4 and declared both a state of emergency and a state of disaster across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, and the Emergency Powers of the Governor Act of 1945.

The Emergency Management Act vests the governor with broad powers and duties to "cop[e] with dangers to this state or the people of this state presented by a disaster or emergency," which the governor may implement through "executive orders, proclamations, and directives having the force and effect of law." MCL 30.403(1)-(2). Similarly, the

Emergency Powers of the Governor Act of 1945 provides that, after declaring a state of emergency, "the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control." MCL 10.31(1).

To mitigate the spread of COVID-19, protect the public health, and provide essential protections to vulnerable Michiganders who work at or are incarcerated in prisons, county jails, local lockups, and juvenile detention centers across the state, it is reasonable and necessary to implement limited and temporary COVID-19-related protocols and procedures regarding entry into facilities operated by the Michigan Department of Corrections and transfers to and from the Department's custody; to recommend limited and temporary COVID-19-related protocols and measures for county jails, local lockups, and juvenile detention centers; and to temporarily suspend certain rules and procedures to facilitate the implementation of those recommendations.

Executive Order 2020-29 took these steps. This order extends their duration, as they remain reasonable and necessary to suppress the spread of COVID-19 and protect the public health and safety of this state and its residents. With this order, Executive Order 2020-29 is rescinded.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. The Michigan Department of Corrections (the "Department") must continue to implement risk reduction protocols to address COVID-19 ("risk reduction protocols"), which the Department has already developed and implemented at the facilities it operates and which include the following:
  - (a) Screening all persons arriving at or departing from a facility, including staff, incarcerated persons, vendors, and any other person entering the facility, in a manner consistent with guidelines issued by the Centers for Disease Control and Prevention ("CDC"). Such screening includes a temperature reading and obtaining information about travel and any contact with persons under investigation for COVID-19 infection.
  - (b) Restricting all visits, except for attorney-related visits, and conducting those visits without physical contact to the extent feasible.
  - (c) Limiting off-site appointments for incarcerated persons to only appointments for urgent or emergency medical treatment.
  - (d) Developing and implementing protocols for incarcerated persons who display symptoms of COVID-19, including methods for evaluation and processes for testing, notification of the Department of Health and Human Services ("DHHS"), and isolation during testing, while awaiting test results, and in the event of positive test results. These protocols should be developed in consultation with local public health departments.
  - (e) Notifying DHHS of any suspected case that meets the criteria for COVID-19 through communication with the applicable local public health department.
  - (f) Providing, to the fullest extent possible, appropriate personal protective equipment to all staff as recommended by the CDC.
  - (g) Conducting stringent cleaning of all areas and surfaces, including frequently touched surfaces (such as doorknobs, handles, light switches, keyboards, etc.), on a regular and ongoing basis.
  - (h) Ensuring access to personal hygiene products for incarcerated persons and correctional staff, including soap and water sufficient for regular handwashing.
  - (i) Ensuring that protective laundering protocols are in place.
  - (j) Posting signage and continually educating on the importance of social distancing, handwashing, and personal hygiene.
  - (k) Practicing social distancing in all programs and classrooms—meaning a distance of at least six feet between people in any meeting, classroom, or other group.
  - (l) Minimizing crowding, including interactions of groups of 10 or more people, which may include scheduling more times for meal and recreation to reduce person-to-person contact.
2. To mitigate the risk of COVID-19 spreading in county jails, strict compliance with the capacity and procedural requirements regarding county jail overcrowding states of emergency in the County Jail Overcrowding Act ("CJOA"), 1982 PA 325, MCL 801.51 et seq., is temporarily suspended. While this order is in effect, all actions that would be authorized under the CJOA in the event of a declaration of a county jail overcrowding state of emergency are authorized and shall remain

authorized without regard to any reduction in jail population or any other such limitations on the duration of authorization imposed by the CJOA.

- 3. Anyone authorized to act under section 2 of this order is strongly encouraged to consider early release for all of the following, so long as they do not pose a public safety risk:
  - (a) Older people, people who have chronic conditions or are otherwise medically frail, people who are pregnant, and people nearing their release date.
  - (b) Anyone who is incarcerated for a traffic violation.
  - (c) Anyone who is incarcerated for failure to appear or failure to pay.
  - (d) Anyone with behavioral health problems who can safely be diverted for treatment.
- 4. Effective immediately, all transfers into the Department’s custody are temporarily suspended. Beginning seven (7) days from the effective date of this order, and no more than once every seven (7) days, a county jail or local lockup may request that the director of the Department determine that the jail or lockup has satisfactorily implemented risk reduction protocols as described in section 1 of this order. Upon inspection, if the director of the Department determines that a county jail or local lockup has satisfactorily implemented risk reduction protocols, transfers from that jail or lockup will resume in accordance with the Department’s risk reduction protocols. The director of the Department may reject transfers that do not pass the screening protocol for entry into a facility operated by the Department.
- 5. Parole violators in the Department’s custody must not be transported to or lodged in a county jail or local lockup unless the director of the Department has determined that such county jail or local lockup has satisfactorily implemented risk reduction protocols as described in section 1 of this order.
- 6. The State Budget Office must immediately seek a legislative transfer so that counties may be reimbursed for lodging incarcerated persons that would have been transferred into the Department’s custody if not for the suspension of transfers described in section 4 of this order.
- 7. Juvenile detention centers are strongly encouraged to reduce the risk that those at their facilities will be exposed to COVID-19 by implementing as feasible the following measures:
  - (a) Removing from the general population any juveniles who have COVID-19 symptoms.
  - (b) Eliminating any form of juvenile detention or residential facility placement for juveniles unless a determination is made that a juvenile is a substantial and immediate safety risk to others.
  - (c) Providing written and verbal communications to all juveniles at such facilities regarding COVID-19, access to medical care, and community-based support.
  - (d) To the extent feasible, facilitating access to family, education, and legal counsel through electronic means (such as telephone calls or video conferencing) at no cost, rather than through in-person meetings.
- 8. Unless otherwise directed by court order, for juveniles on court-ordered probation, the use of out-of-home confinement for technical violations of probation and any requirements for in-person meetings with probation officers are temporarily suspended.
- 9. This order is effective immediately and continues through May 24, 2020 at 11:59 pm.
- 10. Executive Order 2020-29 is rescinded.

Given under my hand and the Great Seal of the State of Michigan.

Date: April 26, 2020

Time: 8:20 pm

[SEAL]

GRETCHEN WHITMER  
GOVERNOR

By the Governor:  
JOCELYN BENSON  
SECRETARY OF STATE

The message was referred to the Clerk.

The following message from the Governor was received April 27, 2020 and read:

**EXECUTIVE ORDER**

**No. 2020-63**

**Temporarily suspending the expiration of personal protection orders**

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order

declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401 et seq., and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31 et seq.

In the three weeks that followed, the virus spread across Michigan, bringing deaths in the hundreds, confirmed cases in the thousands, and deep disruption to this state's economy, homes, and educational, civic, social, and religious institutions. On April 1, 2020, in response to the widespread and severe health, economic, and social harms posed by the COVID-19 pandemic, I issued Executive Order 2020-33. This order expanded on Executive Order 2020-4 and declared both a state of emergency and a state of disaster across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, and the Emergency Powers of the Governor Act of 1945.

The Emergency Management Act vests the governor with broad powers and duties to "cop[e] with dangers to this state or the people of this state presented by a disaster or emergency," which the governor may implement through "executive orders, proclamations, and directives having the force and effect of law." MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945 provides that, after declaring a state of emergency, "the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control." MCL 10.31(1).

In addition to the orders I have issued to help mitigate the effects of COVID-19, the Michigan Supreme Court has issued similar orders. On March 18, 2020, the Michigan Supreme Court issued Administrative Order 2020-2, directing trial courts to limit access to courtrooms and other spaces to no more than 10 persons, including staff, and to practice social distancing and limit court activity to essential functions. On April 10, 2020, the Michigan Supreme Court issued Administrative Order 2020-7, which extended its authorization to trial courts to continue operations for essential functions but also maintain social distancing practices and restrictions on allowing more than 10 persons to gather. As a result of these orders, many interactions that would occur by face-to-face encounter have become exceedingly difficult, and in some cases nearly impossible, including proceedings designed to protect vulnerable individuals.

One of the safest places to be during the COVID-19 pandemic is at home, away from person-to-person contact with those that may be a vector for the disease. For some, however, home can also be a place of danger. COVID-19 and measures necessary to limit the spread of the disease have created difficulties in accessing legal resources, institutional support, and financial resources.

Today, concurrent with this executive order, the Michigan Supreme Court is issuing Administrative Order 2020-11, which extends personal protection orders that would otherwise expire before June 1, 2020 until July 21, 2020.

Consistent with the Michigan Supreme Court's actions during this period of heightened vulnerability, I find it necessary and reasonable to temporarily suspend the expiration of personal protection orders.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. Consistent with Michigan Supreme Court Administrative Order No. 2020-11, all personal protection orders that would otherwise expire during the period from the date of the entry of this order through June 1, 2020 are extended, and now expire on July 21, 2020.
2. The court or law enforcement agency that entered the personal protection order in the law enforcement information network (LEIN) shall record the extension in LEIN, and, to the extent required by law, provide notice to the respondent of the extension.
3. At the time the court or law enforcement agency records the extension in LEIN, the court or law enforcement agency shall also inspect the LEIN entry to determine whether LEIN indicates that the personal protection order has been served on the respondent. If LEIN indicates that the personal protection order has been served, then the court or law enforcement agency shall modify the LEIN entry so that it indicates that the personal protection order has not yet been served on the respondent.
4. This order does not prohibit any objection to the extension of a personal protection order under the procedure described in Administrative Order No. 2020-11, bar any motion to modify or terminate a personal protection order, or prohibit a petitioner from consenting to termination of a personal protection order.
5. The modification or termination of a personal protection order under Administrative Order No. 2020-11 shall be recorded in LEIN as required by law.
6. This order takes effect immediately upon issuance.

Given under my hand and the Great Seal of the State of Michigan.

Date: April 27, 2020

Time: 9:30 am

[SEAL]

GRETCHEN WHITMER  
GOVERNOR

By the Governor:  
JOCelyn BENSON  
SECRETARY OF STATE

The message was referred to the Clerk.

### Introduction of Bills

Rep. Yancey introduced

**House Bill No. 5741, entitled**

A bill to amend 1967 PA 281, entitled "Income tax act of 1967," by amending sections 703 and 711 (MCL 206.703 and 206.711), section 703 as amended by 2016 PA 158 and section 711 as amended by 2018 PA 118, and by adding sections 272a and 672.

The bill was read a first time by its title and referred to the Committee on Tax Policy.

Reps. Schroeder, Berman, Maddock, Ellison and Webber introduced

**House Bill No. 5742, entitled**

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2091) by adding section 109.

The bill was read a first time by its title and referred to the Committee on Transportation.

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The Clerk declared the House adjourned until Wednesday, April 29, at 10:00 a.m.

GARY L. RANDALL  
Clerk of the House of Representatives