

Legislative Analysis



EMERGENCY PUBLIC HEALTH ORDERS

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

Senate Bill 1253 as enrolled

Sponsor: Sen. Lana Theis

House Committee: Government Operations [Discharged]

Senate Committee: Government Operations [Discharged]

Complete to 1-22-21

Analysis available at
<http://www.legislature.mi.gov>

(Vetoed by the Governor 12-30-20)

SUMMARY:

Senate Bill 1253 would amend provisions in the Public Health Code governing emergency public health orders. The bill would do the following:

- Limit the duration of an emergency order issued by the director of the Department of Health and Human Services (DHHS) to 28 days unless the legislature approves an extension.
- Prohibit a state or local emergency order from prohibiting a religious practice or restricting capacity at a place of worship.
- Provide that a business required to close by a state or local emergency order is not in violation of that order if it stays open and complies with the health or safety precautions required for another business allowed to remain open under the order.

Under the code, if the director of DHHS or a local health officer determines that it is necessary to control an epidemic to protect the public health, he or she can issue an emergency order to limit the size of gatherings and establish emergency procedures that must be followed during the epidemic.

Duration of orders

The bill would provide that an emergency order issued by the director of DHHS cannot be valid for more than 28 days unless both houses of the legislature adopt a resolution to approve a request from the director to extend the order for a specific number of days.

The bill states that this amendment is meant to be retroactive and to apply to emergency orders issued on or after November 15, 2020.

Scope of orders

The bill would provide that an emergency order issued by the director of DHHS or a local health officer cannot prohibit a specific religious practice or restrict how many people can gather at a place or religious worship.

Compliance with orders

The bill would provide that a business required to close by an emergency order issued by the director of DHHS or a local health officer is not in violation of that order if it stays open and complies with all of the health or safety precautions required by the order for another business that is allowed to remain open under the order.

MCL 333.2253 and 333. 2453 and proposed MCL 333.2253a, 333.2254, and 333.2454

FISCAL IMPACT:

Senate Bill 1253 would have indeterminate fiscal implications for DHHS and for local public health departments. Health department costs related to pandemic events include monitoring, contact tracing, collaborating with other public and private entities for pandemic infrastructure and response, and many others. Many of these costs are supported by state and local funds, and some of these costs have been supported by federal appropriations in FY 2019-20 and FY 2020-21.

Vetoed 12-30-20:

In her veto message,¹ Governor Whitmer said that the bill “would unreasonably place an unscientific and arbitrary time limit” on the ability of public health officials to respond “not only to [the COVID-19] pandemic, but to future health emergencies.”

Legislative Analyst: Rick Yuille
Fiscal Analyst: Susan Frey

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.

¹ https://content.govdelivery.com/attachments/MIEOG/2020/12/30/file_attachments/1636356/SB%201253%20Veto%20Letter.pdf