

# Legislative Analysis



## EMPLOYEES POTENTIALLY EXPOSED TO COVID-19

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

**House Bill 6448 as reported from committee**  
**Sponsor: Rep. Julie Calley**

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

**House Bill 6467 as reported from committee**  
**Sponsor: Rep. Matt Hall**

**Committee: Judiciary**  
**Complete to 12-2-20**

### SUMMARY:

House Bills 6448 and 6467 would each amend 2020 PA 238 to allow certain workers to report to work even though they have had close contact with someone who tests positive for COVID-19 or who displays the principal symptoms of the disease. The bills would apply, as described below, to essential critical infrastructure workers; essential critical energy infrastructure workers; essential critical water and wastewater workers; food processor employees; and employees of an employer whose primary business involves food, feed, or beverage distribution.

Under the act, an employee who has close contact<sup>1</sup> with an individual who tests positive for COVID-19 or who displays the principal symptoms of COVID-19 is prohibited from reporting to work until either of the following occurs:

- Fourteen days have passed since the employee last had close contact with that individual.
- The individual receives a medical determination that he or she did not have COVID-19 at the time of the close contact with the employee.

The act exempts certain employees, such as health care professionals and first responders, from the above prohibition (that is, it allows them to report to work despite the close contact described above).

The bills would also exempt each of the following from the above prohibition:

- An employee who is employed by a *food processor* (HB 6467).
- An employee who is employed by an employer whose primary business involves food, feed, or beverage distribution (HB 6467).
- An *essential critical infrastructure worker* who does not display principal symptoms of COVID-19, subject to the condition described below (HB 6467).
- An *essential critical water and wastewater worker* who does not display principal symptoms of COVID-19, subject to the condition described below (HB 6467).
- An *essential critical energy infrastructure worker* who does not display principal symptoms of COVID-19, subject to the condition described below (HB 6448).

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<sup>1</sup> Close contact is defined as being within about six feet of an individual for 15 minutes or longer.

The bills would require an essential critical infrastructure worker, essential critical water and wastewater worker, or essential critical energy infrastructure worker to whom the exemption applies to comply with the U.S. Cybersecurity and Infrastructure Security Agency’s Interim Guidance for Implementing Safety Practices for Critical Infrastructure Workers Who May Have Had Exposure to a Person with Suspected or Confirmed COVID-19.

*Food processor* would mean a food establishment that processes, manufactures, wholesales, packages, labels, or stores food. The term would not include a maple syrup producer. Processing would mean an act, such as canning, freezing, dehydrating, drying, distilling, extracting, preserving, grinding, crushing, milling, washing, trimming, packing, or otherwise preserving or changing the form of a food.

*Essential critical infrastructure worker* would mean a worker who constructs, maintains, or rehabilitates critical infrastructure as described in the U.S. Cybersecurity and Infrastructure Security Agency’s Guidance on the Essential Critical Infrastructure Workforce: Ensuring Community and National Resilience in COVID-19 Response, Version 4.0, August 18, 2020.

*Essential critical water and wastewater worker* would mean a worker in the water or wastewater industry who performs essential water services as described in the United States Cybersecurity and Infrastructure Security Agency’s Guidance on the Essential Critical Infrastructure Workforce: Ensuring Community and National Resilience in COVID-19 Response, Version 2.0, March 28, 2020.

*Essential critical energy infrastructure worker* would mean a worker in the energy industry who performs essential energy services as described in the United States Cybersecurity and Infrastructure Security Agency’s Guidance on the Essential Critical Infrastructure Workforce: Ensuring Community and National Resilience in COVID-19 Response, Version 2.0, March 28, 2020.

MCL 419.401 and 419.405 (both bills)

**FISCAL IMPACT:**

The bills would not have a significant fiscal impact on any unit of state or local government.

**POSITIONS:**

Representatives of the following entities testified in support of the bills as indicated (12-2-20):

- DTE Energy (HB 6448)
- Michigan Municipal League (HB 6448)
- City of St. Clair Shores (HB 6448)
- City of Oak Park (HB 6448)
- Atlas Sales (HB 6467)
- Michigan Infrastructure Transportation Association (HB 6467)
- Michigan Milk Producers (HB 6467)

The following entities indicated support for the bills as indicated (12-2-20):

- Michigan Chemistry Council (HBs 6448 and 6467)
- Leprino Foods (HB 6467)
- Lansing Board of Water and Light (HB 6448)
- Consumers Energy (HB 6448)
- ITC (HB 6448)
- Michigan Chamber (HBs 6448 and 6467)
- Michigan Municipal Electric Association (HBs 6448 and 6467)
- City of Grand Ledge (HB 6448)
- Michigan Manufacturers Association (HB 6467)
- American Council of Engineering Companies (HB 6467)
- Michigan Road Preservation Association (HB 6467)
- Michigan Beer and Wine Wholesalers Association (HB 6467)

The Michigan Manufacturers Association indicated a neutral position on HB 6448. (12-2-20)

The United Food and Commercial Workers Union indicated opposition to HB 6467. (12-2-20)

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■ 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.