

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 1253

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 2253 and 2453 (MCL 333.2253 and 333.2453),
section 2253 as amended by 2006 PA 157, and by adding sections
2253a, 2254, and 2454.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2253. (1) ~~If~~ **Subject to section 2253a and except as**
2 **otherwise provided in subsection (4), if** the director determines
3 that control of an epidemic is necessary to protect the public
4 health, the director by emergency order may prohibit the gathering
5 of ~~people~~ **persons** for any purpose and may establish procedures to
6 be followed during the epidemic to ~~insure~~ **ensure** continuation of
7 essential public health services and enforcement of health laws.

1 Emergency procedures ~~shall~~**are** not ~~be~~ limited to this code.

2 (2) If an epidemic described in subsection (1) involves avian
3 influenza or another virus or disease that is or may be spread by
4 contact with animals, the department of agriculture **and rural**
5 **development** shall cooperate with and assist the director in the
6 director's response to the epidemic.

7 (3) ~~Upon~~**On** request from the director, the department of
8 agriculture **and rural development** shall assist the department in
9 any review or update of the department's pandemic influenza plan
10 under section 5112.

11 (4) In an emergency order issued under this section, the
12 director shall not do either of the following:

13 (a) Restrict the capacity of persons at a place of worship.

14 (b) Prohibit the exercise of a religious practice, including,
15 but not limited to, the administration of a sacrament.

16 Sec. 2253a. Beginning November 15, 2020, an emergency order
17 issued under section 2253 is valid for the time period specified in
18 the order or until the order has been in effect for 28 days,
19 whichever is sooner. After 28 days, an emergency order issued under
20 section 2253 is not valid unless a request from the director to
21 extend the order for a specific number of days is approved by
22 resolution of both houses of the legislature.

23 Sec. 2254. A business that, because of an epidemic involving a
24 communicable disease, is required to cease its operations under an
25 emergency order issued under section 2253 or a rule promulgated by
26 the department and that continues to operate is not in violation of
27 the order or rule if the business complies with each health or
28 safety precaution that the order or rule requires of another
29 business that is allowed to operate under the order or rule.

1 Sec. 2453. (1) ~~If~~**Except as otherwise provided in subsection**
2 **(3), if** a local health officer determines that control of an
3 epidemic is necessary to protect the public health, the local
4 health officer may issue an emergency order to prohibit the
5 gathering of ~~people~~**persons** for any purpose and may establish
6 procedures to be followed by persons, including a local
7 governmental entity, during the epidemic to ~~insure~~**ensure**
8 continuation of essential public health services and enforcement of
9 health laws. Emergency procedures ~~shall~~**are** not ~~be~~ limited to this
10 code.

11 (2) A local health department or the department may provide
12 for the involuntary detention and treatment of individuals with
13 hazardous communicable disease in the manner prescribed in sections
14 5201 to ~~5238~~**5210**.

15 (3) **In an emergency order issued under this section, a local**
16 **health officer shall not do either of the following:**

17 (a) **Restrict the capacity of persons at a place of worship.**

18 (b) **Prohibit the exercise of a religious practice, including,**
19 **but not limited to, the administration of a sacrament.**

20 Sec. 2454. **A business that, because of an epidemic involving a**
21 **communicable disease, is required to cease its operations under an**
22 **emergency order issued under section 2453 or a regulation adopted**
23 **by a local health department and that continues to operate is not**
24 **in violation of the order or regulation if the business complies**
25 **with each health or safety precaution that the order or regulation**
26 **requires of another business that is allowed to operate under the**
27 **order or regulation.**

28 Enacting section 1. Section 2253a of the public health code,
29 1978 PA 368, MCL 333.2253a, is intended to be retroactive and

1 applies to emergency orders issued under section 2253 of the public
2 health code, 1978 PA 368, MCL 333.2253, on or after November 15,
3 2020.