

**STATE OF MICHIGAN  
100TH LEGISLATURE  
REGULAR SESSION OF 2020**

**Introduced by Senators Theis, Lucido, Lauwers, MacGregor, Stamas, Nesbitt, LaSata, Victory, Outman, Daley, MacDonald, Horn, VanderWall, Zorn, Barrett, Bumstead, Shirkey, McBroom, Bizon and Johnson**

**ENROLLED SENATE BILL No. 1253**

AN ACT to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes

against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” 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:*

Sec. 2253. (1) Subject to section 2253a and except as otherwise provided in subsection (4), if the director determines that control of an epidemic is necessary to protect the public health, the director by emergency order may prohibit the gathering of persons for any purpose and may establish procedures to be followed during the epidemic to ensure continuation of essential public health services and enforcement of health laws. Emergency procedures are not limited to this code.

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

(3) On request from the director, the department of agriculture and rural development shall assist the department in any review or update of the department’s pandemic influenza plan under section 5112.

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

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

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

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

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

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

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

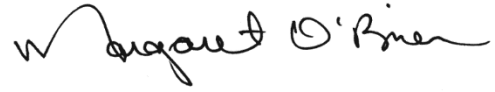
(3) In an emergency order issued under this section, a local health officer shall not do either of the following:

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

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

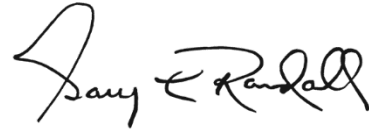
Sec. 2454. A business that, because of an epidemic involving a communicable disease, is required to cease its operations under an emergency order issued under section 2453 or a regulation adopted by a local health department and that continues to operate is not in violation of the order or regulation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

Enacting section 1. Section 2253a of the public health code, 1978 PA 368, MCL 333.2253a, is intended to be retroactive and applies to emergency orders issued under section 2253 of the public health code, 1978 PA 368, MCL 333.2253, on or after November 15, 2020.



---

Secretary of the Senate



---

Clerk of the House of Representatives

Approved \_\_\_\_\_

---

Governor