

Legislative Analysis



SUNSET AND REPEAL CERTAIN COVID-19 PROVISIONS

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

House Bill 5244 (proposed substitute H-3)
Sponsor: Rep. Andrew Fink

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

House Bill 6128 (proposed substitute H-1)
Sponsor: Rep. Yousef Rabhi

House Bill 6215 (proposed substitute H-2)
Sponsor: Rep. Graham Filler

Committee: Government Operations
Revised 6-14-22

(Enacted as Public Acts 138, 139, and 140 of 2022)

SUMMARY:

House Bills 5244, 6128, and 6215 would amend different acts to limit the effectiveness of the following COVID-19–related provisions beginning January 1, 2022, and to repeal those provisions effective January 1, 2023:

- 2020 PA 238, which provides requirements for employees who are diagnosed with COVID-19, who display the principal symptoms of the disease, or who have had close contact with someone else who tests positive. (HB 5244)
- Sections 85 and 85a of the Michigan Occupation Safety and Health Act (MIOSHA), which establish conditions for immunity from civil liability for an employer whose employee is exposed to COVID-19. (HB 6128)
- The COVID-19 Response and Reopening Liability Assurance Act, which establishes standards for immunity from liability for certain tort claims alleging COVID-19 exposure. (HB 6215)

House Bill 5244 would amend 2020 PA 238 to provide that the act does not apply to a claim or cause of action that accrues after July 1, 2022. In addition, the bill would repeal the act effective July 1, 2023.

Generally speaking, the act prohibits an employee who has tested positive for COVID-19 or who displays its principal symptoms from reporting to work until certain conditions are met (e.g., a negative test, a clearing of symptoms, the end of the isolation period) and prohibits, with exceptions for specified critical workers, an employee who has had close contact with someone else who tests positive for COVID-19 from reporting to work until the quarantine period has ended. The act also prohibits employer actions against an employee who complies with those prohibitions, opposes a violation of the act, or reports a COVID-19 health violation. An employer’s compliance with relevant guidance and orders is a defense in an action concerning an alleged violation of the act.

MCL 419.410

