



Senate Fiscal Agency
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House Bill 4667 (Substitute H-4 as passed by the House)
Sponsor: Representative Sue Allor
House Committee: Oversight
Senate Committee: Health Policy and Human Services

Date Completed: 10-21-21

CONTENT

The bill would enact the "COVID-19 Vaccination Privacy Act" to do the following:

- Prohibit a governmental entity from issuing a COVID-19 vaccination passport, requiring proof of vaccination status to access a public, or imposing a fine or penalty based on vaccination status.**
- Allow the Attorney General, the prosecuting attorney of the county in which the governmental entity served, or a person to commence a civil action to compel compliance or to enjoin further noncompliance with the Act.**

Specifically, under the bill, except as otherwise provided by a law of the United States, a governmental entity could not do any of the following:

- Produce or issue, or enter into a contract with a person to produce or issue, a COVID-19 vaccination passport.
- Require an individual to provide documentation certifying his or her COVID-19 vaccination status to access a public service.
- Impose a fine, fee, or penalty on an individual based on his or her COVID-19 vaccination status.

"Governmental entity" would mean any of the following:

- A State officer, employee, agency, department, division, bureau, board, commission, council, authority, or other body in State government.
- A county, city, township, village, intercounty, intercity, or regional governing body, council, school district, public university or college, special district, or municipal corporation, or a board, department, commission, council, or agency thereof.
- Any other body that is created by State or local authority or is primarily funded by or through State or local authority.

"COVID-19 vaccination passport" would mean a document or system created or used for the primary purpose of diminishing or enlarging an individual's civil and political rights, privileges, and capacities based on the individual's COVID-19 vaccination status. "COVID-19" would mean severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

If a governmental entity were not complying with the Act, the Attorney General, the prosecuting attorney of the county in which the governmental entity served, or a person could

commence a civil action to compel compliance or to enjoin further noncompliance with the Act.

An action for injunctive relief against a local governmental entity would have to be commenced in the circuit court, and venue would be proper in any county in which the governmental entity served. An action for an injunction against a State governmental entity would have to be commenced in the Court of Claims. If a person commenced an action for injunctive relief, that person would not be required to post security as a condition for obtaining a preliminary injunction or a temporary restraining order.

An action for mandamus against a governmental entity under the Act would have to be commenced in a court of appropriate jurisdiction.

If a governmental entity were not complying with the Act, and a person commenced a civil action against the governmental entity for injunctive relief to compel compliance or to enjoin further noncompliance with the Act and succeeded in obtaining relief in the action, the person would recover court costs and actual attorney fees for the action.

Legislative Analyst: Stephen Jackson

FISCAL IMPACT

The bill would not have a direct fiscal impact on the State or local units of government. The Department of the Attorney General or county prosecuting attorneys could incur unknown costs if they commenced a civil action because of a government entity's violation of the bill.

No specific shifts in revenue or expenditures for courts are identified in the bill's language; however, as the bill would give standing to any person to file a civil action against the State or local county government, the possibility of increased operational costs for local circuit courts and the Court of Claims would seem likely. Any increased costs for these courts as a result of the bill are indeterminate.

In addition to the costs described above, a successful plaintiff would be entitled to have his or her court costs and attorney fees paid for by the governmental entity subject to the suit.

Fiscal Analyst: Joe Carrasco
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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.