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GOVERNOR

STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

GARLIN GILCHRIST II
LT. GOVERNOR

August 10, 2020

Michigan State Senate
State Capitol Building
Lansing, MI 48909-7514

Senators,

Today I am returning Enrolled Senate Bill 899 to you without my approval. During an especially intense period of this pandemic, as the number of new cases were surging toward our first peak and we faced the very real possibility of our hospitals being overrun, I invoked special liability protections for certain health care providers. The legislature created these protections under subsection (4) of section 11 of the Emergency Management Act of 1976, 1976 PA 390, MCL 30.411(4). According to this provision, these protections apply if the governor has declared a state of disaster and the health care provider offers services at the "express or implied request" of the governor. I made this request on March 29, 2020 through Executive Order 2020-30; renewed it on April 26, 2020 through Executive Order 2020-61; and rescinded the request on July 13, 2020 through Executive Order 2020-150.

To the extent the availability of these liability protections have been rendered questionable during the time period those orders were in effect, it is only because the majority in both houses of the legislature have refused to recognize this once-in-a-lifetime global pandemic for what it is: an emergency. SB 899 is an attempt to mop up one consequence of that failure.

If this bill only attempted to restore the protections I offered under my orders, I would consider signing it. But the bill goes much further in ways that are directly counter to the interests of those receiving care. For example, this bill would give health care providers and the facilities that employ them broad immunity every time an emergency or disaster is declared, regardless of whether the circumstances demand this extreme measure. A person receiving treatment at a hospital or a resident in a nursing home would be powerless to seek relief when they are harmed in any but the most egregious cases.

For this and other reasons I veto this bill.

Respectfully,

Gretchen Whitmer
Governor