

# HOUSE BILL NO. 6108

August 17, 2020, Introduced by Rep. Meerman and referred to the Committee on Regulatory Reform.

A bill to amend 1980 PA 299, entitled  
"Occupational code,"  
by amending section 505 (MCL 339.505) and by adding section 602a.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 505. (1) After an investigation has been conducted,  
2 **subject to section 602a**, the department may issue an order  
3 summarily suspending a license or a certificate of registration  
4 issued pursuant to articles 8 to 25 based on an affidavit by a



1 person familiar with the facts set forth in the affidavit, or, if  
2 appropriate, based upon an affidavit on information and belief,  
3 that an imminent threat to the public health, safety, and welfare  
4 exists. Thereafter, the proceedings described in this article shall  
5 **must** be promptly commenced and decided.

6 (2) A person whose license or certificate of registration has  
7 been summarily suspended under this section may petition the  
8 department to dissolve the order. ~~Upon~~**On** receiving a petition, the  
9 department immediately shall schedule a hearing to decide whether  
10 to grant or deny the requested relief.

11 (3) An administrative law hearings examiner shall grant the  
12 requested relief dissolving the summary suspension order, unless  
13 sufficient evidence is presented that an imminent threat to the  
14 public health, safety, and welfare exists which requires emergency  
15 action and continuation of the director's summary suspension order.

16 (4) The record created at the hearing to dissolve a summary  
17 suspension order shall become part of the record on the complaint  
18 at a subsequent hearing in a contested case.

19 **Sec. 602a. (1) Subject to subsection (2), a licensee or**  
20 **registrant who engages in conduct that violates an executive order**  
21 **issued by the governor during a state of disaster or emergency**  
22 **declared under the emergency management act, 1976 PA 390, MCL**  
23 **30.401 to 30.421, or 1945 PA 302, MCL 10.31 to 10.33, relating to**  
24 **COVID-19, shall not be subject to either of the following:**

25 (a) An order summarily suspending a license or certificate of  
26 registration under section 505.

27 (b) Any penalty prescribed in section 602.

28 (2) Subsection (1) does not apply if the conduct would be a  
29 ground for investigation or disciplinary action under this article



1 if the executive order had not been issued.

2 (3) As used in this section, "COVID-19" means severe acute  
3 respiratory syndrome coronavirus 2 (SARS-CoV-2).

4 Enacting section 1. This amendatory act does not take effect  
5 unless Senate Bill No. \_\_\_\_\_ or House Bill No. 6110 (request no.  
6 07349'20 a) of the 100th Legislature is enacted into law.

