

# SENATE BILL NO. 1008

June 25, 2020, Introduced by Senators CHANG and BRINKS and referred to the Committee on Health Policy and Human Services.

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
(MCL 333.1101 to 333.25211) by adding section 20205.

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

1           **Sec. 20205. (1) By December 31, 2020, a health facility or**  
2 **agency that provides emergency care shall develop a policy that**  
3 **guides decision-making for medical care in cases where demand for**  
4 **critical medical resources exceeds availability during a declared**

1 state of emergency under 1945 PA 302, MCL 10.31 to 10.33, or a  
2 declared state of disaster or emergency under the emergency  
3 management act, 1976 PA 390, MCL 30.401 to 30.421, related to  
4 public health.

5 (2) The policy required under subsection (1) must enable  
6 clinical decision-making based on the best available objective  
7 medical evidence, including an individualized assessment of how  
8 each patient or resident will respond to treatment, and must do all  
9 of the following:

10 (a) Prohibit medical decision-making based on social stigma or  
11 stereotypes regarding age, color, criminal history, disability,  
12 ethnicity, familial status, gender identity, height, homelessness,  
13 immigration status, incarceration status, marital status, mental  
14 illness, national origin, poverty, race, religion, sex, sexual  
15 orientation, socioeconomic status, substance use disorder, use of  
16 government resources, veteran status, or weight.

17 (b) Provide for coordinating and sharing information with the  
18 department of health and human services regarding resource  
19 availability and transfer availability.

20 (c) Ensure that withholding or delaying care due to lack of  
21 critical resources is always a last resort.

22 (3) The health facility or agency described in subsection (1)  
23 shall make the policy required under this section available upon  
24 request and, whenever the policy is in effect, shall post the  
25 policy on the health facility's or agency's website that is  
26 accessible to the public.

27 (4) The department, in consultation with the department of  
28 health and human services, may promulgate rules to implement this  
29 section.