

**STATE OF MICHIGAN
101ST LEGISLATURE
REGULAR SESSION OF 2021**

Introduced by Reps. Hornberger, Albert and Yaroch

ENROLLED HOUSE BILL No. 4049

AN ACT to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” by amending sections 2253 and 2453 (MCL 333.2253 and 333.2453), section 2253 as amended by 2006 PA 157, and by adding section 2453a.

The People of the State of Michigan enact:

Sec. 2253. (1) Except as otherwise provided in subsection (4), if the director determines that control of an epidemic is necessary to protect the public health, the director by emergency order may prohibit the gathering of people for any purpose and may establish procedures in the emergency order to be followed during the epidemic to ensure continuation of essential public health services and enforcement of health laws. Emergency procedures are not limited to this code.

(2) If an epidemic described in subsection (1) involves avian influenza or another virus or disease that is or may be spread by contact with animals, the department of agriculture and rural development shall cooperate with and assist the director in the director’s response to the epidemic.

(3) On request from the director, the department of agriculture and rural development shall assist the department in any review or update of the department’s pandemic influenza plan under section 5112.

(4) The director shall not issue an order under this section that does any of the following during an epidemic involving coronavirus:

(a) Closes a school to in-person instruction.

(b) Prohibits a qualified sporting event.

(5) As used in this section:

(a) "Coronavirus" means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

(b) "Qualified sporting event" means 1 or more of the following:

(i) A sporting event carried on between 2 or more schools.

(ii) A collegiate sporting event sanctioned by a nationally recognized body.

(iii) A sporting event recognized by a local organization that is engaged in the development and active promotion of an athletic activity.

(iv) A practice held to prepare for a sporting event described in subparagraph (i), (ii), or (iii).

(c) "School" means a public school or nonpublic school as those terms are defined in section 5 of the revised school code, 1976 PA 451, MCL 380.5.

Sec. 2453. (1) Subject to section 2453a, if a local health officer determines that control of an epidemic is necessary to protect the public health, the local health officer may issue an emergency order to prohibit the gathering of people for any purpose and may establish procedures in the emergency order to be followed by persons, including a local governmental entity, during the epidemic to ensure continuation of essential public health services and enforcement of health laws. Emergency procedures are not limited to this code.

(2) A local health department or the department may provide for the involuntary detention and treatment of individuals with hazardous communicable disease in the manner prescribed in sections 5201 to 5210.

Sec. 2453a. (1) A local health officer may issue an emergency order under section 2453 that closes a school located in the area served by the local health department to in-person instruction or prohibits a qualified sporting event occurring in the area served by the local health department, if the local health officer determines that control of an epidemic related to coronavirus is necessary to protect the public health and that all of the following are met:

(a) The number of confirmed cases of coronavirus within the area served by the local health department is above 55 per 1,000,000 within a 14-day period.

(b) The percentage of positive tests for coronavirus within the area served by the local health department is above 10% within a 14-day period.

(c) Each health facility located in the area served by the local health department maintains a surge capacity below 20% in admissions or patient transfers.

(d) Hospitalizations for coronavirus within the area served by the local health department have increased by 25% or more within a 14-day period.

(2) A calculation performed for purposes of subsection (1) must not include individuals who are housed in any of the following:

(a) A state or federal correctional facility.

(b) A county jail.

(c) A congregate care setting.

(3) If an area served by a local health department includes more than 1 county, the calculations described in subsection (1) must be performed for each county separately.

(4) As used in this section:

(a) "Congregate care setting" means a residential environment where a group of individuals reside, meet, or gather in close proximity for a limited or extended period of time.

(b) "Coronavirus" means that term as defined in section 2253.

(c) "County jail" means a facility operated by a county for the physical detention and correction of individuals charged with, or convicted of, criminal offenses or ordinance violations or individuals found guilty of civil or criminal contempt.

(d) "Health facility" means a health facility or agency as that term is defined in section 20106.

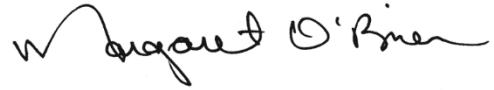
(e) "Qualified sporting event" means that term as defined in section 2253.

(f) "School" means that term as defined in section 2253.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor