

HOUSE BILL NO. 5545

March 05, 2024, Introduced by Reps. Smit, Carra, Bierlein, Bollin, Outman, Markkanen, Hoadley, Cavitt, BeGole, Rigas, Kunse, Thompson, DeBoyer, Fox, Beeler, Borton, Friske, Neyer and Alexander and referred to the Committee on Government Operations.

A bill to provide remedies for the issuance of emergency orders that affect the conduct of worship services by religious organizations.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act may be cited as the "religious services
2 maintenance act".

3 Sec. 2. As used in this act:

4 (a) "Director" means that term as defined in section 1104 of
5 the public health code, 1978 PA 368, MCL 333.1104.

6 (b) "Emergency order" means any of the following:

1 (i) An order, proclamation, or directive issued under the
2 emergency management act, 1976 PA 390, MCL 30.401 to 30.421.

3 (ii) An order entered under section 2253 or 2453 of the public
4 health code, 1978 PA 368, MCL 333.2253 and 333.2453.

5 Sec. 3. (1) If an emergency order is issued that prohibits,
6 suspends, or limits a church or religious organization from
7 conducting worship services, the church or religious organization
8 may bring an action against the governor, director, or local health
9 officer, as applicable, requesting the court to award any equitable
10 or declaratory relief that the court determines is appropriate to
11 prevent the enforcement of the emergency order.

12 (2) If a church or religious organization prevails in an
13 action under this section, in addition to any equitable or
14 declaratory relief awarded, the court shall award the church or
15 religious organization both of the following:

16 (a) Compensatory damages.

17 (b) Actual attorney fees and costs.

18 Sec. 4. (1) The court in which an action is filed under
19 section 3 shall render a decision in the action not later than 14
20 days after the action is filed.

21 (2) If an order or judgment of the court in an action under
22 section 3 is appealed, the appellate court shall render a decision
23 on the appeal not later than 14 days after the appeal is filed.

24 (3) An appellate court shall not stay an order or judgment
25 entered in an action under section 3 pending an appeal or while an
26 action is appealed.