

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

Introduced by Senator Theis

# ENROLLED SENATE BILL No. 1

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 section 2253 (MCL 333.2253), as amended by 2006 PA 157, and by adding section 2253a.

*The People of the State of Michigan enact:*

Sec. 2253. (1) Subject to section 2253a, 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 persons for any purpose and may establish procedures 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. An emergency order issued under this subsection must identify the epidemic that is the subject of the emergency order and include both of the following:

(a) A description of how any prohibition on the gathering of persons or procedures to be followed in the emergency order protects the public health.

(b) All information that the director used when making the determination to issue the emergency order, including, but not limited to, data or statistics used by the director in determining that the control of the epidemic through emergency order is necessary to protect the public health.

(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.

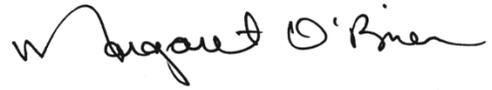
Sec. 2253a. Beginning November 15, 2020, an emergency order issued under section 2253 is valid for the time period specified in the order or until the order has been in effect for 28 days, whichever is sooner. After 28 days, both of the following apply:

(a) An emergency order issued under section 2253 is not valid unless a request from the director to extend the order for a specific number of days is approved by resolution of both houses of the legislature.

(b) The director shall not issue a new emergency order based on the same epidemic for which the emergency order was issued under section 2253 unless the order is approved by resolution of both houses of the legislature.

Enacting section 1. Section 2253a as added by this amendatory act is intended to be retroactive and applies to emergency orders issued under section 2253 of the public health code, 1978 PA 368, MCL 333.2253, on or after November 15, 2020.

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved \_\_\_\_\_

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Governor