

SUBSTITUTE FOR  
HOUSE BILL NO. 5745

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
by amending section 2233 (MCL 333.2233), as amended by 1996 PA 67.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 2233. ~~—(1)—~~ The department may promulgate rules necessary  
2 or appropriate to implement and carry out the duties or functions  
3 vested by law in the department. **A RULE PROMULGATED UNDER THIS ACT**  
4 **OR AN EXCEPTION TO A RULE PROMULGATED UNDER THIS ACT SHALL NOT**  
5 **DISCRIMINATE IN FAVOR OF OR AGAINST ANY PROVIDER, FACILITY, OR**  
6 **EMPLOYER LICENSED UNDER THIS ACT BASED ON THE PRESENCE OF, OR LACK**  
7 **OF, A COLLECTIVE BARGAINING AGREEMENT WITH EMPLOYEES, NOR SHALL**  
8 **COLLECTIVE BARGAINING STATUS, LEVEL OF WAGES, OR FRINGE BENEFITS BE**  
9 **USED TO DEMONSTRATE OR EXCUSE COMPLIANCE WITH STATE LICENSING OR**  
10 **REGULATORY STANDARDS OR REQUIREMENTS.**

11 ~~—— (2) If the Michigan supreme court rules that sections 45 and~~  
12 ~~46 of the administrative procedures act of 1969, Act No. 306 of the~~

1 ~~Public Acts of 1969, being sections 24.245 and 24.246 of the~~  
2 ~~Michigan Compiled Laws, are unconstitutional, and a statute~~  
3 ~~requiring legislative review of administrative rules is not enacted~~  
4 ~~within 90 days after the Michigan supreme court ruling, the~~  
5 ~~department shall not promulgate rules under this act.——~~