

# Legislative Analysis



## SCHOOL AND ATHLETICS CLOSURES UNDER CORONAVIRUS EMERGENCY PUBLIC HEALTH ORDERS

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**House Bill 4049 (H-1) as passed by the Senate**  
**Sponsor: Rep. Pamela Hornberger**  
**Committee: Appropriations**  
**Complete to 3-3-21**

Analysis available at  
<http://www.legislature.mi.gov>

### SUMMARY:

The Public Health Code provides authority for the director of the Department of Health and Human Services (DHHS) and local health officers to issue emergency public health orders to control an epidemic. An emergency order may prohibit the gathering of people for any purpose and establish procedures to ensure public health services and enforcement of health laws.

House Bill 4049 would amend the code to provide that the director of DHHS cannot issue an emergency public health order that closes a school to in-person instruction or that prohibits a qualified sporting event during a coronavirus epidemic. Sporting events would include certain events and team practices of schools, colleges and universities, and local organizations.

The bill would also add four criteria that must be met for a local health department to close schools to in-person instruction or to prohibit qualified sporting events as part of a coronavirus emergency public health order:

- Confirmed local coronavirus cases above 55 per 1,000,000 within a 14-day period.
- Percentage of local positive coronavirus tests above 10% within a 14-day period.
- Surge capacity below 20% in admissions or patient transfers for each local health facility.
- Coronavirus local hospitalizations increased by 25% or more within a 14-day period.

The bill would require that the calculations of the criteria cannot include individuals in jails, prisons, and congregate care settings. The bill provides that the criteria would need to be met in each county of a multi-county local public health department.

As passed by the Senate, the bill does not include a tie bar to any other bills.

MCL 333.2253 and 333.2453 and proposed MCL 333.2453a

### FISCAL IMPACT:

House Bill 4049 would have indeterminate fiscal implications for DHHS and for local public health departments. Health department costs related to pandemic events include monitoring, contact tracing, collaborating with other public and private entities for pandemic infrastructure and response, and others. Costs are supported by state and local funds, and some costs have been supported by federal appropriations in Fiscal Year 2019-20 and Fiscal Year 2020-21.

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