

Act No. 140
Public Acts of 2022
Approved by the Governor
July 11, 2022
Filed with the Secretary of State
July 11, 2022
EFFECTIVE DATE: July 11, 2022

**STATE OF MICHIGAN
101ST LEGISLATURE
REGULAR SESSION OF 2022**

Introduced by Rep. Rabhi

ENROLLED HOUSE BILL No. 6128

AN ACT to amend 1974 PA 154, entitled “An act to prescribe and regulate working conditions; to prescribe the duties of employers and employees as to places and conditions of employment; to create certain boards, commissions, committees, and divisions relative to occupational and construction health and safety; to prescribe their powers and duties and powers and duties of the department of labor and department of public health; to prescribe certain powers and duties of the directors of the departments of labor, public health, and agriculture; to impose an annual levy to provide revenue for the safety education and training division; to provide remedies and penalties; to repeal certain acts and parts of acts; and to repeal certain acts and parts of act on specific dates,” by amending section 85 (MCL 408.1085), as added by 2020 PA 237; and to repeal acts and parts of acts.

The People of the State of Michigan enact:

Sec. 85. (1) Notwithstanding any other provision of this act, an employer is not liable under this act for an employee’s exposure to COVID-19 if the employer was operating in compliance with all federal, state, and local statutes, rules, and regulations, executive orders, and agency orders related to COVID-19 that had not been denied legal effect at the time of the exposure. An isolated, de minimis deviation from strict compliance with such statutes, rules, regulations, executive orders, and agency orders unrelated to the employee’s exposure to COVID-19 does not deny an employer the immunity provided in this section.

(2) This section does not do any of the following:

- (a) Create, recognize, or ratify a claim or cause of action of any kind.
- (b) Eliminate a required element of a claim of any kind including, but not limited to, a causation or proximate cause element.
- (c) Amend, repeal, alter, or affect any other immunity or limitation of liability.
- (d) Affect a right, remedy, or protection under the worker’s disability compensation act of 1969, 1969 PA 317, MCL 418.101 to 418.941, including the exclusive application of this act.

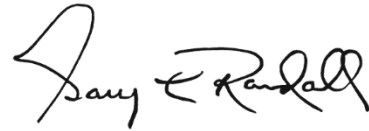
(3) This section applies retroactively to an exposure to COVID-19 that occurs after March 1, 2020. This section does not apply to an exposure to COVID-19 that occurs after July 1, 2022.

Enacting section 1. Sections 85 and 85a of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1085 and 408.1085a, are repealed effective July 1, 2023.

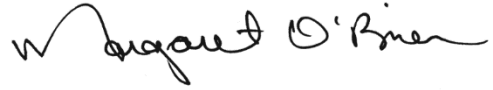
Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 101st Legislature are enacted into law:

- (a) House Bill No. 5244.
- (b) House Bill No. 6215.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor

Compiler's note: House Bill No. 5244, referred to in enacting section 2, was filed with the Secretary of State July 11, 2022, and became 2022 PA 138, Imd. Eff. July 11, 2022.

House Bill No. 6215, also referred to in enacting section 2, was filed with the Secretary of State July 11, 2022, and became 2022 PA 139, Imd. Eff. July 11, 2022.