



Senate Fiscal Agency
P.O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS



Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 1 (Substitute S-1 as passed by the Senate)
Sponsor: Senator Lana Theis
Committee: Government Operations (discharged)

Date Completed: 3-4-21

CONTENT

The bill would amend the Public Health Code to do the following:

- **Require an emergency order issued to control an epidemic to identify the epidemic that was the subject of the order and to include a description of how the order's prohibitions or procedures would protect public health as well as any information the Director of the Department of Health and Human Services (DHHS) used when making the determination.**
- **Specify that an emergency order issued to control an epidemic would be valid for up to 28 days unless a request from the Director of the DHHS to extend the order was approved by resolution of both houses of the Legislature.**
- **Prohibit the Director, after the 28-day period, from issuing a new emergency order based on the same epidemic for which the emergency order was issued unless it was approved by resolution of both houses of the Legislature.**

Under Section 2253, if the Director of the DHHS determines that control of an epidemic is necessary to protect the public health, he or she by emergency order may prohibit the gathering of people 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 the Code.

Under the bill, an emergency order issued to control an epidemic would have to identify the epidemic that was the subject of the order and would have to include both of the following:

- A description of how any prohibition on the gathering of individuals or procedures to be followed in the order would protect the public health.
- All information that the Director used when making the determination to issue the order, including data or statistics used by the Director in determining that control of the epidemic through emergency order was necessary to protect the public health.

Also, the bill would add Section 2253a to specify that, beginning November 15, 2020, an emergency order issued under Section 2253 would be valid for the time period specified in the order or until the order had been in effect for 28 days, whichever was sooner. After 28 days, both of the following would apply:

- An emergency order issued under Section 2253 would not be valid unless a request from the Director to extend the order for a specific number of days was approved by both houses of the Legislature.

-- The Director could not issue a new emergency order based on the same epidemic for which the emergency order was issued under Section 2253 unless it was approved by resolution of both houses of the Legislature.

The bill states that Section 2253a is intended to be retroactive and would apply to emergency orders issued under Section 2253 on or after November 15, 2020

MCL 333.2253 et al.

Legislative Analyst: Jeff Mann

FISCAL IMPACT

The bill would have a minor negative fiscal impact on the Department of Health and Human Services and no fiscal impact on local units of government. Increased costs for the Department would stem from an increase in administrative responsibilities and data reporting requirements

Fiscal Analyst: Ellyn Ackerman

SAS\S2122\s1sb

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.