



Senate Fiscal Agency
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Senate Bills 600 through 603 (as introduced 7-27-21)
Sponsor: Senator Lana Theis (S.B. 600 & 601)
Senator Tom Barrett (S.B. 602)
Senator Kimberly A. LaSata (S.B. 603)
Committee: Education and Career Readiness

Date Completed: 9-14-21

CONTENT

Senate Bill 600 would amend the Revised School Code to do the following:

- Prohibit a school district, intermediate school district (ISD), or public school academy (PSA) from adopting or implementing a policy that required a pupil enrolled in that district, ISD, or PSA to receive an emergency use authorization (EUA) vaccination to do specified school-related activities.
- Prohibit a district, ISD, or PSA from discriminating against or treat differently a pupil solely based on whether the pupil received an EUA vaccination and specify conduct or policies that would constitute discrimination.
- Prohibit a district, ISD, or PSA from requiring that an individual receive an EUA vaccination to attend a meeting of the board of the school district or ISD or the board of directors of a PSA.

Senate Bill 601 would amend the Revised School Code to do the following:

- Require a district, ISD, or PSA that has adopted a policy requiring pupils to wear a face mask to provide a wavier process through which a parent, legal guardian, or pupil could request a waiver from the policy.
- Prohibit a district, ISD, or PSA from requiring that a pupil for which a waiver was requested to wear a face mask to do specified school-related activities.
- Prohibit a district, ISD, or PSA from discriminating against or treat differently a pupil solely based on whether the pupil had requested or received a waiver and specify conduct or policies that would constitute discrimination.
- Prohibit a district, ISD, or PSA from adopting or implementing a policy that required an individual to wear a face mask at a meeting of the board of the district or ISD, or a meeting of the board of directors of a PSA.
- Prohibit a district, ISD, or PSA from adopting or implementing a policy that required a pupil who was asymptomatic for COVID-19 to be tested for COVID-19 to do certain school-related activities, such as entering or attending a school operated by the district or riding a school bus.
- Prohibit a district, ISD, or PSA from discriminating against or treating differently a pupil who was asymptomatic for COVID-19 based solely on whether the pupil had been tested for COVID-19.
- Prohibit a district, ISD, or PSA from adopting or implementing a policy that required an individual who was asymptomatic for COVID-19 to be tested for COVID-19 to attend a meeting of the board of the district or ISD or a meeting of the board of directors of a PSA.

Senate Bill 602 would amend Part 51 (General Provisions) of the Public Health Code to prohibit the Department of Health and Human Services (DHHS) from promulgating or enforcing a rule that required a child to receive an EUA vaccination, wear or face mask, or be tested for COVID-19 if the child were asymptomatic for COVID-19 to enter or attend school, ride a school bus, or participate in or attend a school-sponsored activity or event.

Senate Bill 603 would amend Part 22 (State Department of Public Health) and Part 24 (Local Health Departments) of the Public Health Code to do the following:

- Prohibit an emergency order issued by the Director of the DHHS or a local health official from requiring a student to receive an EUA vaccination, wear a face mask, or be tested for COVID-19 if the child were asymptomatic for COVID-19 to enter or attend school, ride a school bus, or participate in or attend a school-sponsored activity or event.**
- Prohibit an emergency order from requiring an individual to wear a face mask, receive an EUA vaccination, or be tested for COVID-19 if the individual were asymptomatic for COVID-19 to attend a meeting of school board.**

Senate Bills 600 and 602 are tie-barred. Senate Bills 601 and 603 also are tie-barred.

Senate Bill 600

Under the Revised School Code, a child enrolling in a public or nonpublic school for the first time, or enrolling in grade 7 for the first time must submit one of the following:

- A statement signed by a physician that the child has been test for and immunized or protected against diseases specified by the Director of the DHHS.
- A statement signed by a parent or guardian to the effect that the child has not been immunized because of religious convictions or other objection to immunization.
- A statement signed by a physician that certifies that the child is in the process of complying with all immunization requirements.

Under the bill, a district, ISD, or PSA could not adopt or implement a policy that required that a pupil enrolled in the district or PSA to receive an EUA vaccination to do any of the following:

- Enter or attend a school operated by the district, ISD, or PSA.
- Ride a school bus or other school-related vehicle.
- Participate in or attend a school-sponsored activity or event.

A school-sponsored activity or event, for the purposes of the bill (as well as for Senate Bills 601 through 603), would include participation in or attendance at school-sponsored sports, band, theater, educational trips, or other extracurricular activities.

The bill also would prohibit a district, ISD, or PSA from discriminating against or treating differently a pupil solely based on whether the pupil had received an EUA vaccination. Discrimination under this provision would include the following conduct:

- Implementing segregated seating based solely on whether a pupil had received an EUA vaccination.
- Requiring that a pupil wear a face mask solely based on whether the pupil had received an EUA vaccination.

- Requiring that a pupil or any member of the pupil's family pay a different fee for admission to a school-sponsored activity or event solely based on whether the pupil had received an EUA vaccination.
- The implementation of a policy that prohibited a pupil from participating in school-sponsored interscholastic athletic activities, including certain teams within a school-sponsored interscholastic athletic activity, solely based on whether the pupil had received an EUA vaccination.

"Face mask" would mean a tightly woven cloth or other multilayer absorbent material that closely covers an individual's mouth and nose.

A district, ISD, or PSA could not require that an individual receive an EUA vaccination to attend a meeting of the board. "Board" would mean the board of a school district, an ISD, or the board of directors of a PSA.

Senate Bill 601

Mask Policy Waiver

The bill would amend the Code to specify that if a district, ISD, or PSA adopted or implemented a policy that required pupils enrolled in the district or PSA to wear a face mask, the district or PSA would have to provide a waiver process through which the parent or legal guardian of a pupil, or if the pupil were at least 18 years of age or an emancipated minor, the pupil, could request a waiver from the policy. A district, ISD, or PSA could not require that a pupil for which a wavier was requested or received to wear a face mask to do any of the following:

- Enter or attend a school operated by the district, ISD, or PSA.
- Ride a school bus or other school-related vehicle.
- Participate in or attend a school-sponsored activity or event.

A district, ISD, or PSA could not discriminate against or treat differently a pupil solely based on whether the pupil's parent or guardian or the pupil had requested or received a wavier under the bill. Discrimination under this provision would include the following conduct:

- Implementing segregated seating based solely on whether the pupil's parent or legal guardian or the pupil had requested a wavier or received a waiver.
- Requiring that a pupil or any member of the pupil's family pay a different fee for admission to a school-sponsored acidity or event solely based on whether the pupil's parent or guardian or the pupil had requested or received a waiver.
- The implementation of a policy that prohibited a pupil from participating in school-sponsored interscholastic athletic activity, solely based on whether the pupil's parent or guardian or the pupil had requested or received a waiver.

A district, ISD, or PSA could not adopt or implement a policy that required an individual to wear a face mask at a meeting of the board. "Board" would mean the board of school district, an ISD, or the board of directors of a PSA.

COVID-19 Testing

The board of a district, ISD, or PSA could not adopt or implement a policy that required a pupil enrolled in the district, ISD, or PSA who was asymptomatic for COVID-19 to be tested for COVID-19 to do any of the following:

- Enter or attend a school operated by the district, ISD, or PSA.

- Ride a school bus or other school-related vehicle.
- Participate in or attend a school-sponsored activity or event.

The bill would define "COVID-19" as severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

A district, ISD, or PSA could not discriminate against or treat differently a pupil who was asymptomatic for COVID-19 based solely on whether the pupil had been tested for COVID-19. Discrimination would include the following conduct:

- Implementing segregated seating based solely on whether a pupil who was asymptomatic for COVID-19 had been tested for COVID-19.
- Requiring that a pupil who was asymptomatic for COVID-19 wear a face mask based solely on whether the pupil had been tested for COVID-19.
- Requiring that a pupil who was asymptomatic for COVID-19 or any member of the pupil's family who was asymptomatic for COVID-19 pay a different fee for admission to a school-sponsored activity or event solely based on whether the pupil or his or her family member had been tested for COVID-19.
- The implementation of a policy that prohibited a pupil who was asymptomatic for COVID-19 from participating in school-sponsored interscholastic activities, including certain teams within a school-sponsored interscholastic activity, solely based on whether the pupil had been tested for COVID-19.

A district, ISD, or PSA could not adopt or implement a policy that required an individual who was asymptomatic for COVID-19 to be tested for COVID-19 to attend a meeting of the board. "Board" would mean the board of a school district, an ISD, or the board of directors of a PSA.

Senate Bill 602

Section 5111 of the Public Health Code requires the DHHS to maintain a list of reportable diseases, infections, and disabilities that designates and classifies communicable, serious communicable, chronic, or noncommunicable diseases, infections, and disabilities, and allows the Department to promulgate rules related to this requirement. Section 9227 requires the DHHS to promulgate rules to implement Part 92 (Immunizations), including age periods for immunization, and the minimum number of doses required during a specified period.

Under the bill, notwithstanding Section 5111 or 9227 or any other provision of the Code, the DHHS could not promulgate or enforce a rule that required a child to receive an EUA vaccination, wear a face mask, or be tested for COVID-19 if the child were asymptomatic for COVID-19, to do any of the following:

- Enter or attend a school in Michigan.
- Ride a school bus or other school-related vehicle.
- Participate in or attend a school sponsored activity or event.

"School" would mean a public school or a nonpublic school as those terms are defined in the Revised School Code.

Senate Bill 603

Under Section 2253 of the Public Health Code, if the Director of the DHHS determines that control of an epidemic is necessary to protect the public health, he or she may, by emergency order, prohibit the gathering of people for any purpose and 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. Section 2453 extends this authority to a local health official under the same circumstances.

Under the bill, an emergency order under Section 2253 or 2453 could not require a student to wear a face mask, receive an EUA vaccination, or be tested for COVID-19 if the child were asymptomatic for COVID-19, to do any of the following:

- Enter or attend school.
- Ride a school bus or other school related vehicle.
- Participate in or attend a school-sponsored activity or event.

An emergency order also could not require an individual to wear a face mask, receive an EUA vaccination, or be tested for COVID-19 if the individual were asymptomatic for COVID-19, to attend a meeting of a school board.

"School board" would mean the board, as that term is defined in Section 3 of the Revised School Code, of a school district, the intermediate school board, the governing body of a nonpublic school, or the board of directors of a public school academy: the governing body of a local school district unless clearly otherwise stated.

MCL 380.1177 et al. (S.B. 600)
Proposed MCL 380.1136a & 380.1136b (S.B. 601)
Proposed MCL 333.5111a (S.B. 602)
MCL 333.2253 & 333.2453 (S.B. 603)

Legislative Analyst: Dana Adams

FISCAL IMPACT

The bills would have no fiscal impact on State or local government.

Fiscal Analyst: Ellyn Ackerman
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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.