

# Legislative Analysis



## FACE MASKS IN EMERGENCY ORDERS

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<http://www.house.mi.gov/hfa>

**Senate Bill 428 as passed by the Senate**  
**Sponsor: Sen. Curtis S. VanderWall**  
**House Committee: [Placed on second reading]**  
**Senate Committee: Committee of the Whole**  
**Complete to 5-20-21**

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

### SUMMARY:

Senate Bill 428 would amend the Public Health Code to prohibit issuance of a state or local epidemic-related emergency public health order that requires children under five to wear face masks.

Under the code, if the director of the Department of Health and Human Services (DHHS) or a local health officer determines that it is necessary to control an epidemic to protect the public health, he or she can issue an emergency order to limit the size of gatherings and establish emergency procedures that must be followed during the epidemic.

The bill would prohibit the DHHS director or a local health officer from issuing such an order that requires a child who is less than five years of age to wear a *face mask*.

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

MCL 333.2253 and 333.2453

### FISCAL IMPACT:

Senate Bill 428 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 many others. In the current pandemic many of these costs are supported by state and local funds, and some of these costs have been supported by federal appropriations in FY 2019-20 and FY 2020-21.

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