

# Legislative Analysis



## SCOPE OF EMERGENCY HEALTH ORDERS

Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**House Bill 4268 as introduced**  
**Sponsor: Rep. Luke Meerman**  
**Committee: Government Operations**  
**Complete to 3-4-21**

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

## SUMMARY:

House Bill 4268 would amend the Public Health Code to prohibit a state or local emergency public health order from restricting how many people can gather at a place of worship or prohibiting a religious practice. The bill would also provide that a business that a state or local emergency order or rule requires to close due to an epidemic is not in violation of that order or rule if it stays open and complies with the health or safety precautions required of another business allowed to stay open under the order.

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 an emergency order issued by the director of DHHS or a local health officer from restricting the capacity of persons at a place of worship or prohibiting the exercise of a religious practice.

The bill would also provide that a business required to cease operations under an emergency order issued by the director of DHHS or a local health officer, or under a DHHS rule or local health department regulation, is not in violation of that requirement if it stays open and complies with each health or safety precaution that the order, rule, or regulation requires of another business it allows to remain open.

MCL 333.2253 and 333.2453 and proposed MCL 333.2254 and 333.2454

## FISCAL IMPACT:

House Bill 4268 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.

Legislative Analyst: Rick Yuille  
Fiscal Analyst: Susan Frey

---

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.