

Legislative Analysis



SUNSET MIOSHA COVID-19 LIABILITY PROVISIONS

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

House Bill 6173 as introduced
Sponsor: Rep. Diana Farrington
Committee: Government Operations
Complete to 6-13-22

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

SUMMARY:

House Bill 6173 would amend the Michigan Occupation Safety and Health Act (MIOSHA) to provide that section 85, which establishes conditions for immunity from civil liability for an employer whose employee is exposed to COVID-19, does not apply to an exposure that occurs after July 1, 2022.

Under section 85, notwithstanding any other provision of MIOSHA, an employer is not liable for damages under the act for an employee's exposure to COVID-19 if the employer was operating in compliance with all applicable federal, state, and local statutes, rules, and regulations, executive orders, and agency orders related to COVID-19 at the time of the exposure. An isolated, de minimis deviation from strict compliance with those statutes, rules, regulations, executive orders, and agency orders unrelated to the employee's exposure to COVID-19 does not deny an employer this immunity. ("De minimis" means so minor or trivial as to be not worth considering.)

MCL 408.1085

The bill would not take effect unless HBs 5244 and 6215 were also enacted.

FISCAL IMPACT:

The bill would have an indeterminate fiscal impact on the Department of Labor and Economic Opportunity. A more detailed fiscal analysis is forthcoming.

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■ 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.