

**SUBSTITUTE FOR  
SENATE BILL NO. 250**

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
by amending sections 2253 and 2453 (MCL 333.2253 and 333.2453),  
section 2253 as amended by 2006 PA 157, and by adding sections  
2253a and 2453a.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 2253. (1) ~~If~~**Subject to section 2253a, if** the director  
2 determines that control of an epidemic is necessary to protect the  
3 public health, the director by emergency order may prohibit the  
4 gathering of people for any purpose and may establish procedures **in**  
5 **the emergency order** to be followed during the epidemic to ~~insure~~  
6 **ensure** continuation of essential public health services and  
7 enforcement of health laws. Emergency procedures ~~shall~~**are** not ~~be~~

1 limited to this code.

2 (2) If an epidemic described in subsection (1) involves avian  
3 influenza or another virus or disease that is or may be spread by  
4 contact with animals, the department of agriculture **and rural**  
5 **development** shall cooperate with and assist the director in the  
6 director's response to the epidemic.

7 (3) ~~Upon~~**On** request from the director, the department of  
8 agriculture **and rural development** shall assist the department in  
9 any review or update of the department's pandemic influenza plan  
10 under section 5112.

11 **Sec. 2253a. (1) Subject to subsection (2), an emergency order**  
12 **issued under section 2253 to control an epidemic related to**  
13 **coronavirus that places a restriction on a qualified establishment**  
14 **is subject to all of the following:**

15 (a) If this state has a test positivity rate of less than 3%  
16 for not less than 7 consecutive days or if less than 3% of hospital  
17 beds in this state are being used to treat individuals with  
18 coronavirus for not less than 7 consecutive days, the emergency  
19 order must not place a limitation on indoor dining occupancy or on  
20 a meeting or event held at the qualified establishment.

21 (b) If this state has a test positivity rate of 3% to not more  
22 than 7% for not less than 7 consecutive days or if 3% to not more  
23 than 7% of hospital beds in this state are being used to treat  
24 individuals with coronavirus for not less than 7 consecutive days,  
25 the emergency order must do all of the following:

26 (i) Limit the indoor dining occupancy rate to 50%.

27 (ii) Limit the consumption of food and beverages in the  
28 qualified establishment to a designated dining area where an  
29 individual is seated.

1           (iii) Limit the occupancy of a meeting or event held at the  
2 qualified establishment to 50 individuals per 1,000 square feet  
3 with a maximum of 250 individuals if the meeting or event is held  
4 indoors and a maximum of 500 individuals if the meeting or event is  
5 held outdoors.

6           (c) If this state has a test positivity rate of greater than  
7 7% to not more than 10% for not less than 7 consecutive days or if  
8 7% to not more than 10% of hospital beds in this state are being  
9 used to treat individuals with coronavirus for not less than 7  
10 consecutive days, the emergency order must do all of the following:

11           (i) Limit the indoor dining occupancy rate to 50%.

12           (ii) Limit the consumption of food and beverages in the  
13 qualified establishment to a designated dining area where an  
14 individual is seated.

15           (iii) Limit the occupancy of a meeting or event held at the  
16 qualified establishment to 25 individuals per 1,000 square feet  
17 with a maximum of 150 individuals if the meeting or event is held  
18 indoors and a maximum of 250 individuals if the meeting or event is  
19 held outdoors.

20           (iv) For the purposes of contact tracing, encourage the  
21 qualified establishment to maintain a record of the name and  
22 telephone number of each individual dining at the qualified  
23 establishment and the individual's date and time of entry into the  
24 qualified establishment.

25           (d) If this state has a test positivity rate of greater than  
26 10% to not more than 15% for not less than 7 consecutive days or if  
27 10% to not more than 15% of hospital beds in this state are being  
28 used to treat individuals with coronavirus for not less than 7  
29 consecutive days, the emergency order must do all of the following:

1 (i) Limit the indoor dining occupancy rate to 25%.

2 (ii) Limit the consumption of food or beverages in the  
3 qualified establishment to a designated dining area where an  
4 individual is seated.

5 (iii) Limit the occupancy of a meeting or event held at the  
6 qualified establishment to 15 individuals per 1,000 square feet  
7 with a maximum of 50 individuals if the meeting or event is held  
8 indoors and a maximum of 150 individuals if the meeting or event is  
9 held outdoors.

10 (iv) For the purposes of contact tracing, encourage the  
11 qualified establishment to maintain a record of the name and  
12 telephone number of each individual dining at the qualified  
13 establishment and the individual's date and time of entry into the  
14 qualified establishment.

15 (e) If this state has a test positivity rate of greater than  
16 15% to not more than 20% for not less than 7 consecutive days or if  
17 15% to not more than 20% of hospital beds in this state are being  
18 used to treat individuals with coronavirus for not less than 7  
19 consecutive days, the emergency order must close the qualified  
20 establishment to indoor dining and limit the occupancy of a meeting  
21 or event held at the qualified establishment to a maximum of 10  
22 individuals from not more than 2 households.

23 (f) If this state has a test positivity rate of greater than  
24 20% for not less than 14 consecutive days or if greater than 20% of  
25 hospital beds in this state are being used to treat individuals  
26 with coronavirus for not less than 14 consecutive days, the  
27 emergency order must close the qualified establishment to indoor  
28 dining and prohibit a meeting or event from being held at the  
29 qualified establishment.

1           (2) The test positivity rate described in subsection (1) must  
2 be calculated as follows:

3           (a) Divide the total number of positive test results for  
4 coronavirus in this state for a single day by the total number of  
5 tests performed for coronavirus in this state on that day.

6           (b) Calculate the daily 7-day average of the results under  
7 subdivision (a) for the prior 7 consecutive days.

8           (3) As used in this section:

9           (a) "Coronavirus" means that term as defined in section 5145.

10           (b) "Event venue" means an establishment other than a food  
11 service establishment that consists of an enclosed hall, building,  
12 or portion of a building, and that is regularly available for the  
13 purpose of holding a banquet, a dinner, entertainment, a luncheon,  
14 a sports event, or other similar activity or event.

15           (c) "Food service establishment" means that term as defined in  
16 section 1107 of the food law, 2000 PA 92, MCL 289.1107.

17           (d) "Household" means a group of individuals who live at the  
18 same dwelling.

19           (e) "Qualified establishment" means any of the following:

20           (i) A food service establishment.

21           (ii) An event venue.

22           Sec. 2453. (1) ~~If~~**Subject to section 2453a, if** a local health  
23 officer determines that control of an epidemic is necessary to  
24 protect the public health, the local health officer may issue an  
25 emergency order to prohibit the gathering of people for any purpose  
26 and may establish procedures **in the emergency order** to be followed  
27 by persons, including a local governmental entity, during the  
28 epidemic to ~~insure~~**ensure** continuation of essential public health  
29 services and enforcement of health laws. Emergency procedures ~~shall~~

1 are not be-limited to this code.

2 (2) A local health department or the department may provide  
3 for the involuntary detention and treatment of individuals with  
4 hazardous communicable disease in the manner prescribed in sections  
5 5201 to ~~5238~~-5210.

6 Sec. 2453a. (1) Subject to subsection (2), an emergency order  
7 issued under section 2453 to control an epidemic related to  
8 coronavirus that places a restriction on a qualified establishment  
9 is subject to all of the following:

10 (a) If the area served by the local health department has a  
11 test positivity rate of less than 3% for not less than 7  
12 consecutive days or if less than 3% of hospital beds in the area  
13 served by the local health department are being used to treat  
14 individuals with coronavirus for not less than 7 consecutive days,  
15 the emergency order must not place a limitation on indoor dining  
16 occupancy or on a meeting or event held at the qualified  
17 establishment.

18 (b) If the area served by the local health department has a  
19 test positivity rate of 3% to not more than 7% for not less than 7  
20 consecutive days or if 3% to not more than 7% of hospital beds in  
21 the area served by the local health department are being used to  
22 treat individuals with coronavirus for not less than 7 consecutive  
23 days, the emergency order must do all of the following:

24 (i) Limit the indoor dining occupancy rate to 50%.

25 (ii) Limit the consumption of food and beverages in the  
26 qualified establishment to a designated dining area where an  
27 individual is seated.

28 (iii) Limit the occupancy of a meeting or event held at the  
29 qualified establishment to 50 individuals per 1,000 square feet

1 with a maximum of 250 individuals if the meeting or event is held  
2 indoors and a maximum of 500 individuals if the meeting or event is  
3 held outdoors.

4 (c) If the area served by the local health department has a  
5 test positivity rate of greater than 7% to not more than 10% for  
6 not less than 7 consecutive days or if 7% to not more than 10% of  
7 hospital beds in the area served by the local health department are  
8 being used to treat individuals with coronavirus for not less than  
9 7 consecutive days, the emergency order must do all of the  
10 following:

11 (i) Limit the indoor dining occupancy rate to 50%.

12 (ii) Limit the consumption of food and beverages in the  
13 qualified establishment to a designated dining area where an  
14 individual is seated.

15 (iii) Limit the occupancy of a meeting or event held at the  
16 qualified establishment to 25 individuals per 1,000 square feet  
17 with a maximum of 150 individuals if the meeting or event is held  
18 indoors and a maximum of 250 individuals if the meeting or event is  
19 held outdoors.

20 (iv) For the purposes of contact tracing, encourage the  
21 qualified establishment to maintain a record of the name and  
22 telephone number of each individual dining at the qualified  
23 establishment and the individual's date and time of entry into the  
24 qualified establishment.

25 (d) If the area served by the local health department has a  
26 test positivity rate of greater than 10% to not more than 15% for  
27 not less than 7 consecutive days or if 10% to not more than 15% of  
28 hospital beds in the area served by the local health department are  
29 being used to treat individuals with coronavirus for not less than

1 7 consecutive days, the emergency order must do all of the  
2 following:

3 (i) Limit the indoor dining occupancy rate to 25%.

4 (ii) Limit the consumption of food or beverages in the  
5 qualified establishment to a designated dining area where an  
6 individual is seated.

7 (iii) Limit the occupancy of a meeting or event held at the  
8 qualified establishment to 15 individuals per 1,000 square feet  
9 with a maximum of 50 individuals if the meeting or event is held  
10 indoors and a maximum of 150 individuals if the meeting or event is  
11 held outdoors.

12 (iv) For the purposes of contact tracing, encourage the  
13 qualified establishment to maintain a record of the name and  
14 telephone number of each individual dining at the qualified  
15 establishment and the individual's date and time of entry into the  
16 qualified establishment.

17 (e) If the area served by the local health department has a  
18 test positivity rate of greater than 15% to not more than 20% for  
19 not less than 7 consecutive days or if 15% to not more than 20% of  
20 hospital beds in the area served by the local health department are  
21 being used to treat individuals with coronavirus for not less than  
22 7 consecutive days, the emergency order shall close the qualified  
23 establishment to indoor dining and limit the occupancy of a meeting  
24 or event held at the qualified establishment to a maximum of 10  
25 individuals from not more than 2 households.

26 (f) If the area served by the local health department has a  
27 test positivity rate of greater than 20% for not less than 14  
28 consecutive days or if greater than 20% of hospital beds in the  
29 area served by the local health department are being used to treat



1 individuals with coronavirus for not less than 14 consecutive days,  
2 the emergency order shall close the qualified establishment to  
3 indoor dining and prohibit a meeting or event from being held at  
4 each qualified establishment.

5 (2) The test positivity rates described in subsection (1) must  
6 be calculated as follows:

7 (a) Divide the total number of positive test results for  
8 coronavirus in the area served by the local health department for a  
9 single day by the total number of tests performed for coronavirus  
10 in the area served by the local health department on that day.

11 (b) Calculate the daily 7-day average of the results under  
12 subdivision (a) for the prior 7 consecutive days.

13 (3) As used in this section:

14 (a) "Coronavirus" means that term as defined in section 5145.

15 (b) "Event venue" means that term as defined in section 2253a.

16 (c) "Food service establishment" means that term as defined in  
17 section 1107 of the food law, 2000 PA 92, MCL 289.1107.

18 (d) "Household" means that term as defined in section 2253a.

19 (e) "Qualified establishment" means any of the following:

20 (i) A food service establishment.

21 (ii) An event venue.