

# HOUSE BILL NO. 4049

January 27, 2021, Introduced by Reps. Hornberger, Albert and Yaroch and referred to the Committee on Appropriations.

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 section 2453a.

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

1           Sec. 2253. (1) ~~If~~**Except as otherwise provided in subsection**  
2 **(4), if** the director determines that control of an epidemic is  
3 necessary to protect the public health, the director by emergency

1 order may prohibit the gathering of people for any purpose and may  
2 establish procedures **in the emergency order** to be followed during  
3 the epidemic to ~~insure~~**ensure** continuation of essential public  
4 health services and enforcement of health laws. Emergency  
5 procedures ~~shall~~**are** not ~~be~~ limited to this code.

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

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

15 (4) **The director shall not issue an order under this section**  
16 **that does any of the following during an epidemic involving**  
17 **coronavirus:**

18 (a) **Closes a school to in-person instruction.**

19 (b) **Prohibits a qualified sporting event.**

20 (5) **As used in this section:**

21 (a) **"Coronavirus" means severe acute respiratory syndrome**  
22 **coronavirus 2 (SARS-CoV-2).**

23 (b) **"Qualified sporting event" means 1 or more of the**  
24 **following:**

25 (i) **A sporting event carried on between 2 or more schools.**

26 (ii) **A collegiate sporting event sanctioned by a nationally**  
27 **recognized body.**

28 (iii) **A sporting event recognized by a local organization that**  
29 **is engaged in the development and active promotion of an athletic**

1 activity.

2 (iv) A practice held to prepare for a sporting event described  
3 in subparagraph (i), (ii), or (iii).

4 (c) "School" means a public school or nonpublic school as  
5 those terms are defined in section 5 of the revised school code,  
6 1976 PA 451, MCL 380.5.

7 Sec. 2453. (1) ~~If~~**Subject to section 2453a, if** a local health  
8 officer determines that control of an epidemic is necessary to  
9 protect the public health, the local health officer may issue an  
10 emergency order to prohibit the gathering of people for any purpose  
11 and may establish procedures **in the emergency order** to be followed  
12 by persons, including a local governmental entity, during the  
13 epidemic to ~~insure~~**ensure** continuation of essential public health  
14 services and enforcement of health laws. Emergency procedures ~~shall~~  
15 **are** not ~~be~~ limited to this code.

16 (2) A local health department or the department may provide  
17 for the involuntary detention and treatment of individuals with  
18 hazardous communicable disease in the manner prescribed in sections  
19 5201 to ~~5238~~**5210**.

20 **Sec. 2453a. (1) A local health officer may issue an emergency**  
21 **order under section 2453 that closes a school located in the area**  
22 **served by the local health department to in-person instruction or**  
23 **prohibits a qualified sporting event occurring in the area served**  
24 **by the local health department, if the local health officer**  
25 **determines that control of an epidemic related to coronavirus is**  
26 **necessary to protect the public health and that all of the**  
27 **following are met:**

28 (a) The number of confirmed cases of coronavirus within the  
29 area served by the local health department is above 55 per

1 1,000,000 within a 14-day period.

2 (b) The percentage of positive tests for coronavirus within  
3 the area served by the local health department is above 10% within  
4 a 14-day period.

5 (c) Each health facility located in the area served by the  
6 local health department maintains a surge capacity below 20% in  
7 admissions or patient transfers.

8 (d) Hospitalizations for coronavirus within the area served by  
9 the local health department have increased by 25% or more within a  
10 14-day period.

11 (2) If an area served by a local health department includes  
12 more than 1 county, the calculations described in subsection (1)  
13 must be performed for each county separately. A calculation  
14 performed for purposes of subsection (1) must not include  
15 individuals who are housed in any of the following:

16 (a) A state or federal correctional facility.

17 (b) A county jail.

18 (c) A congregate care setting.

19 (3) As used in this section:

20 (a) "Congregate care setting" means a residential environment  
21 where a group of individuals reside, meet, or gather in close  
22 proximity for a limited or extended period of time.

23 (b) "Coronavirus" means that term as defined in section 2253.

24 (c) "County jail" means a facility operated by a county for  
25 the physical detention and correction of individuals charged with,  
26 or convicted of, criminal offenses or ordinance violations or  
27 individuals found guilty of civil or criminal contempt.

28 (d) "Health facility" means a health facility or agency as  
29 that term is defined in section 20106.

1           (e) "Qualified sporting event" means that term as defined in  
2 section 2253.

3           (f) "School" means that term as defined in section 2253.

4           Enacting section 1. This amendatory act does not take effect  
5 unless Senate Bill No. \_\_\_\_ or House Bill No. 4048 (request no.  
6 01527'21) of the 101st Legislature is enacted into law.