

HOUSE BILL NO. 4268

February 18, 2021, Introduced by Reps. Meerman, Steven Johnson, Fink, Slagh, Wozniak, Brann, Paquette, LaFave and Roth and referred to the Committee on Government Operations.

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 2254 and 2454.

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

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

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

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

16 (4) **In an emergency order issued under this section, the**
 17 **director shall not do either of the following:**

18 (a) **Restrict the capacity of persons at a place of worship.**

19 (b) **Prohibit the exercise of a religious practice, including,**
 20 **but not limited to, the administration of a sacrament.**

21 **Sec. 2254. A business that, because of an epidemic involving a**
 22 **communicable disease, is required to cease its operations under an**
 23 **emergency order issued under section 2253 or a rule promulgated by**
 24 **the department and that continues to operate is not in violation of**
 25 **the order or rule if the business complies with each health or**
 26 **safety precaution that the order or rule requires of another**
 27 **business that is allowed to operate under the order or rule.**

28 **Sec. 2453. (1) ~~If~~**Except as otherwise provided in subsection****
 29 **(3), if a local health officer determines that control of an**

1 epidemic is necessary to protect the public health, the local
2 health officer may issue an emergency order to prohibit the
3 gathering of people for any purpose and may establish procedures to
4 be followed by persons, including a local governmental entity,
5 during the epidemic to ~~insure~~**ensure** continuation of essential
6 public health services and enforcement of health laws. Emergency
7 procedures ~~shall~~**are** not ~~be~~ limited to this code.

8 (2) A local health department or the department may provide
9 for the involuntary detention and treatment of individuals with
10 hazardous communicable disease in the manner prescribed in sections
11 5201 to ~~5238~~**5210**.

12 (3) In an emergency order issued under this section, a local
13 health officer shall not do either of the following:

14 (a) Restrict the capacity of persons at a place of worship.

15 (b) Prohibit the exercise of a religious practice, including,
16 but not limited to, the administration of a sacrament.

17 **Sec. 2454. A business that, because of an epidemic involving a**
18 **communicable disease, is required to cease its operations under an**
19 **emergency order issued under section 2453 or a regulation adopted**
20 **by a local health department and that continues to operate is not**
21 **in violation of the order or regulation if the business complies**
22 **with each health or safety precaution that the order or regulation**
23 **requires of another business that is allowed to operate under the**
24 **order or regulation.**