

HOUSE BILL NO. 5339

September 23, 2021, Introduced by Reps. Bollin, Paquette, Calley, Steven Johnson, Kahle, O'Malley, Maddock, Huizenga, Eisen and Outman and referred to the Committee on Government Operations.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 2453 (MCL 333.2453) and by adding section
2453a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2453. (1) ~~If~~**Subject to section 2453a, if** a local health
2 officer determines that control of an epidemic is necessary to
3 protect the public health, the local health officer may issue an

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

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

11 **Sec. 2453a. (1) An emergency order issued under section 2453**
12 **is valid until the local health officer determines that control of**
13 **the epidemic is no longer necessary to protect the public health,**
14 **for the time period specified in the emergency order, or until the**
15 **emergency order has been in effect for 28 days. After 28 days, the**
16 **emergency order is not valid unless a request from the local health**
17 **officer to extend the emergency order for a specific number of days**
18 **is approved by the local governing entity.**

19 (2) In determining whether to extend an emergency order issued
20 under section 2453, a local governing entity shall consider at
21 least all of the following:

22 (a) Projected case to fatality information.

23 (b) Hospital or medical facility bed capacity.

24 (c) Methods of controlling the spread of the disease that is
25 the subject of the epidemic.

26 (d) The impact of the emergency order on local businesses.

27 (e) The positivity rate for the disease that is the subject of
28 the epidemic.

29 (f) Information on the disease that is the subject of the

- 1 epidemic from the Centers for Disease Control and Prevention.
- 2 (g) Antibody testing, as a record of natural immunity.