

No. 42  
STATE OF MICHIGAN  
JOURNAL  
OF THE  
**House of Representatives**  
100th Legislature  
REGULAR SESSION OF 2020

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House Chamber, Lansing, Tuesday, May 19, 2020.

1:30 p.m.

The House was called to order by the Speaker.

The roll was called by the Clerk of the House of Representatives, who announced that a quorum was present.

Afendoulis—present	Filler—present	Jones—excused	Rabhi—present
Albert—present	Frederick—present	Kahle—present	Reilly—present
Alexander—present	Garrett—present	Kennedy—present	Rendon—present
Allor—present	Garza—present	Koleszar—present	Sabo—present
Anthony—present	Gay-Dagnogo—excused	Kuppa—present	Schroeder—present
Bellino—present	Glenn—present	LaFave—present	Shannon—present
Berman—present	Green—present	LaGrand—present	Sheppard—present
Bolden—present	Greig—present	Lasinski—present	Slagh—present
Bollin—present	Griffin—present	Leutheuser—present	Sneller—present
Brann—present	Guerra—present	Liberati—present	Sowerby—present
Brixie—present	Haadsma—present	Lightner—present	Stone—present
Byrd—present	Hall—present	Lilly—present	Tate—present
Calley—present	Hammoud—present	Love—present	VanSingel—present
Cambensy—present	Hauck—present	Lower—present	VanWoerkom—present
Camillieri—present	Hernandez—present	Maddock—present	Vaupel—present
Carter, B.—present	Hertel—present	Manoogian—present	Wakeman—present
Carter, T.—present	Hoadley—present	Marino—present	Warren—present
Chatfield—present	Hoitenga—present	Markkanen—present	Webber—present
Cherry—present	Hood—present	Meerman—present	Wendzel—present
Chirkun—present	Hope—excused	Miller—present	Wentworth—present
Clemente—present	Hornberger—present	Mueller—present	Whiteford—present
Cole—present	Howell—present	Neeley, C.—present	Whitsett—present
Coleman—present	Huizenga—present	O'Malley—present	Wittenberg—excused
Crawford—present	Iden—present	Pagan—present	Witwer—present
Eisen—present	Inman—present	Paquette—present	Wozniak—present
Elder—present	Johnson, C.—present	Peterson—present	Yancey—present
Ellison—present	Johnson, S.—present	Pohutsky—present	Yaroch—present
Farrington—present			

e/d/s = entered during session

Rep. LaTanya Garrett, from the 7th District, offered the following invocation:

“Father, today, I first want to thank You for allowing this legislative body, staff, sergeants, facility workers and maintenance to rise up this morning full of life.

Thank You for giving special grace, wisdom and insight to our executive and judicial branches as well.

Thank You for the opportunity to serve all constituents in the state of Michigan

I Bless You for our mental agility today, tomorrow, and forever more

I Worship You for our physical strength today, tomorrow, and forever more

Thanking You for putting a hedge of protection around us today, tomorrow and forever more, this by faith, I proclaim

I praise You for allowing us another day to call on Your name and lift You up so that You can receive Your Glory

Let us call on You more from the four corners of the earth and rebuke the devour that will try to destroy us  
Cover us with Your Word.

Let the power of the Holy Ghost fall right now and shower us with righteousness.

O our Most Holy God of Faith, today, this chamber is in need of unity

Psalms 133:1 tells us to,

‘Behold how good and how pleasant it is for brethren to dwell together in unity.’

Thank You for Endowing us with a special collaboration anointing to yield policy that will bless the lives of the poor, underserved, blue collar and the wealthiest of citizens.

God give us clear vision and rebuke selfishness

Order our steps to provide vital services that will be beneficial to All Michiganders

Let us always remember You and put You first in all that we do, and we will forever praise Your most Holy name

Psalms 119:105 tells us that,

‘Your word is a lamp unto our feet, a light on our path.’

Continue to guide this body this I pray Amen.”

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Rep. Rabhi moved that Reps. Gay-Dagnogo, Hope, Jones and Wittenberg be excused from today’s session. The motion prevailed.

### **Reports of Standing Committees**

The Committee on Ways and Means, by Rep. Iden, Chair, reported

#### **House Bill No. 4965, entitled**

A bill to amend 1951 PA 51, entitled “An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to promote safe and efficient travel for motor vehicle drivers, bicyclists, pedestrians, and other legal users of roads, streets, and highways; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by

specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending sections 11h, 12, 14, and 15 (MCL 247.661h, 247.662, 247.664, and 247.665), section 11h as amended by 2018 PA 471, sections 12 and 14 as amended by 2015 PA 175, and section 15 as amended by 1999 PA 50.

With the recommendation that the substitute (H-3) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills.

#### Favorable Roll Call

To Report Out:

Yeas: Reps. Iden, Lilly, Leutheuser, Griffin, Hauck, Kahle, Meerman, Warren, Byrd, Hertel and Bolden

Nays: None

The Committee on Ways and Means, by Rep. Iden, Chair, reported

#### **House Bill No. 4966, entitled**

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to promote safe and efficient travel for motor vehicle drivers, bicyclists, pedestrians, and other legal users of roads, streets, and highways; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 13 (MCL 247.663), as amended by 2015 PA 175.

With the recommendation that the substitute (H-2) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills.

#### Favorable Roll Call

To Report Out:

Yeas: Reps. Iden, Lilly, Leutheuser, Griffin, Hauck, Kahle, Meerman, Warren, Byrd, Hertel and Bolden

Nays: None

The Committee on Ways and Means, by Rep. Iden, Chair, reported

**House Bill No. 4971, entitled**

A bill to amend 1951 PA 51, entitled “An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to promote safe and efficient travel for motor vehicle drivers, bicyclists, pedestrians, and other legal users of roads, streets, and highways; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts,” by amending section 9a (MCL 247.659a), as amended by 2018 PA 325.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Iden, Lilly, Leutheuser, Griffin, Hauck, Kahle, Meerman, Warren, Byrd, Hertel and Bolden

Nays: None

The Committee on Ways and Means, by Rep. Iden, Chair, reported

**House Bill No. 5541, entitled**

A bill to amend 1972 PA 222, entitled “An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes,” by amending sections 1 and 2 (MCL 28.291 and 28.292), section 1 as amended by 2018 PA 605 and section 2 as amended by 2018 PA 669.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Iden, Lilly, Leutheuser, Griffin, Hauck, Kahle, Meerman, Warren, Byrd, Hertel and Bolden

Nays: None

The Committee on Ways and Means, by Rep. Iden, Chair, reported

**Senate Bill No. 278, entitled**

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 221 and 310 (MCL 257.221 and 257.310), section 221 as amended by 1998 PA 64 and section 310 as amended by 2018 PA 177.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Iden, Lilly, Leutheuser, Griffin, Hauck, Kahle, Meerman, Warren, Byrd, Hertel and Bolden

Nays: None

The Committee on Ways and Means, by Rep. Iden, Chair, reported

**Senate Bill No. 279, entitled**

A bill to amend 2008 PA 23, entitled “Enhanced driver license and enhanced official state personal identification card act,” by amending section 5 (MCL 28.305), as amended by 2018 PA 606.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Iden, Lilly, Leutheuser, Griffin, Hauck, Kahle, Meerman, Warren, Byrd, Hertel and Bolden

Nays: None

The Committee on Ways and Means, by Rep. Iden, Chair, reported

**Senate Bill No. 350, entitled**

A bill to amend 1895 PA 3, entitled “The general law village act,” by amending section 18 (MCL 69.18), as amended by 1984 PA 179.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Iden, Lilly, Leutheuser, Griffin, Hauck, Kahle, Meerman, Warren, Byrd, Hertel and Bolden

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Iden, Chair, of the Committee on Ways and Means, was received and read:

Meeting held on: Wednesday, May 13, 2020

Present: Reps. Iden, Lilly, Leutheuser, Griffin, Hauck, Kahle, Meerman, Warren, Byrd, Hertel and Bolden

The Committee on Ways and Means, by Rep. Iden, Chair, reported

**House Bill No. 4159, entitled**

A bill to amend 1996 PA 381, entitled “Brownfield redevelopment financing act,” by amending sections 2, 8, 13, 13b, and 16 (MCL 125.2652, 125.2658, 125.2663, 125.2663b, and 125.2666), section 2 as amended by 2018 PA 203, section 8 as amended by 2016 PA 471, and sections 13, 13b, and 16 as amended by 2017 PA 46.

With the recommendation that the substitute (H-2) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills.

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Iden, Lilly, Leutheuser, Griffin, Hauck, Kahle, Meerman, Warren, Byrd, Hertel and Bolden  
Nays: None

The Committee on Ways and Means, by Rep. Iden, Chair, reported

**House Bill No. 5217, entitled**

A bill to prohibit postsecondary educational institutions in this state and certain athletic organizations from preventing a college athlete from receiving compensation for the use of his or her name, image, likeness rights, or athletic reputation.

With the recommendation that the substitute (H-5) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills.

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Iden, Lilly, Leutheuser, Griffin, Hauck, Kahle, Meerman, Warren, Byrd, Hertel and Bolden  
Nays: None

The Committee on Ways and Means, by Rep. Iden, Chair, reported

**House Bill No. 5218, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by repealing section 411e (MCL 750.411e); and to repeal acts and parts of acts.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Iden, Lilly, Leutheuser, Griffin, Hauck, Kahle, Meerman, Warren, Byrd, Hertel and Bolden  
Nays: None

The Committee on Ways and Means, by Rep. Iden, Chair, reported

**House Bill No. 5481, entitled**

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 2661, 2663, 2665, 2667, 2673, and 2677 (MCL 339.2661, 339.2663, 339.2665, 339.2667, 339.2673, and 339.2677), as added by 2012 PA 505, and by adding section 2670.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills.

## Favorable Roll Call

## To Report Out:

Yeas: Reps. Iden, Lilly, Leutheuser, Griffin, Hauck, Kahle, Meerman, Warren, Byrd, Hertel and Bolden  
Nays: None

The Committee on Ways and Means, by Rep. Iden, Chair, reported

**House Bill No. 5766, entitled**

A bill to amend 1973 PA 186, entitled "Tax tribunal act," (MCL 205.701 to 205.779) by adding section 37a.

With the recommendation that the substitute (H-2) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Iden, Lilly, Leutheuser, Griffin, Hauck, Kahle, Meerman, Warren, Byrd, Hertel and Bolden  
Nays: None

The Committee on Ways and Means, by Rep. Iden, Chair, reported

**Senate Bill No. 172, entitled**

A bill to amend 1956 PA 218, entitled “The insurance code of 1956,” by amending section 513 (MCL 500.513), as added by 2001 PA 24.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Iden, Lilly, Leutheuser, Griffin, Hauck, Kahle, Meerman, Warren, Byrd, Hertel and Bolden  
Nays: None

The Committee on Ways and Means, by Rep. Iden, Chair, reported

**Senate Bill No. 306, entitled**

A bill to amend 1961 PA 120, entitled “An act to authorize the development or redevelopment of principal shopping districts and business improvement districts; to permit the creation of certain boards; to provide for the operation of principal shopping districts and business improvement districts; to provide for the creation, operation, and dissolution of business improvement zones; and to authorize the collection of revenue and the bonding of certain local governmental units for the development or redevelopment projects,” by amending sections 1, 5, 10, 10b, 10c, 10e, 10f, 10g, 10h, 10j, 10k, and 10l (MCL 125.981, 125.985, 125.990, 125.990b, 125.990c, 125.990e, 125.990f, 125.990g, 125.990h, 125.990j, 125.990k, and 125.990l), sections 1 and 5 as amended by 2003 PA 209, sections 10, 10c, 10f, 10g, and 10k as amended by 2018 PA 262, sections 10b, 10e, 10h, and 10l as amended by 2013 PA 126, and section 10j as added by 2001 PA 260.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Iden, Lilly, Leutheuser, Griffin, Hauck, Kahle, Meerman, Warren, Byrd, Hertel and Bolden  
Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Iden, Chair, of the Committee on Ways and Means, was received and read:

Meeting held on: Tuesday, May 19, 2020

Present: Reps. Iden, Lilly, Leutheuser, Griffin, Hauck, Kahle, Meerman, Warren, Byrd, Hertel and Bolden

**Second Reading of Bills**

**House Bill No. 5488, entitled**

A bill to amend 1927 PA 175, entitled “The code of criminal procedure,” by amending section 1k of chapter IX (MCL 769.1k), as amended by 2017 PA 64.

Was read a second time, and the question being on the adoption of the proposed substitute (H-1) previously recommended by the Committee on Judiciary,

The substitute (H-1) was adopted, a majority of the members serving voting therefor.  
Rep. Lightner moved that the bill be placed on the order of Third Reading of Bills.  
The motion prevailed.

**House Bill No. 5766, entitled**

A bill to amend 1973 PA 186, entitled "Tax tribunal act," (MCL 205.701 to 205.779) by adding section 37a. Was read a second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Ways and Means,

The substitute (H-2) was adopted, a majority of the members serving voting therefor.  
Rep. Hauck moved that the bill be placed on the order of Third Reading of Bills.  
The motion prevailed.

**House Bill No. 4965, entitled**

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to promote safe and efficient travel for motor vehicle drivers, bicyclists, pedestrians, and other legal users of roads, streets, and highways; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending sections 11h, 12, 14, and 15 (MCL 247.661h, 247.662, 247.664, and 247.665), section 11h as amended by 2018 PA 471, sections 12 and 14 as amended by 2015 PA 175, and section 15 as amended by 1999 PA 50.

Was read a second time, and the question being on the adoption of the proposed substitute (H-3) previously recommended by the Committee on Ways and Means,

The substitute (H-3) was adopted, a majority of the members serving voting therefor.  
Rep. Wakeman moved that the bill be placed on the order of Third Reading of Bills.  
The motion prevailed.

**House Bill No. 4966, entitled**

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to promote safe and efficient travel for motor vehicle drivers, bicyclists, pedestrians, and other legal users of roads, streets, and highways; to set up and establish the truck safety fund; to provide



for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 13 (MCL 247.663), as amended by 2015 PA 175.

Was read a second time, and the question being on the adoption of the proposed substitute (H-2) previously recommended by the Committee on Ways and Means,

The substitute (H-2) was adopted, a majority of the members serving voting therefor.

Rep. Schroeder moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

#### **House Bill No. 4971, entitled**

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to promote safe and efficient travel for motor vehicle drivers, bicyclists, pedestrians, and other legal users of roads, streets, and highways; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 9a (MCL 247.659a), as amended by 2018 PA 325.

Was read a second time, and the question being on the adoption of the proposed substitute (H-1) previously recommended by the Committee on Ways and Means,

The substitute (H-1) was adopted, a majority of the members serving voting therefor.

Rep. Alexander moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

**House Bill No. 5411, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” (MCL 750.1 to 750.568) by adding section 217i.

Was read a second time, and the question being on the adoption of the proposed substitute (H-1) previously recommended by the Committee on Judiciary,

The substitute (H-1) was adopted, a majority of the members serving voting therefor.

Rep. Garza moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

**Senate Bill No. 718, entitled**

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending section 625t (MCL 257.625t), as added by 2016 PA 243.

The bill was read a second time.

Rep. Cole moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

**House Bill No. 5217, entitled**

A bill to prohibit postsecondary educational institutions in this state and certain athletic organizations from preventing a college athlete from receiving compensation for the use of his or her name, image, likeness rights or athletic reputation.

Was read a second time, and the question being on the adoption of the proposed substitute (H-5) previously recommended by the Committee on Ways and Means,

The substitute (H-5) was adopted, a majority of the members serving voting therefor.

Rep. Iden moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

**House Bill No. 5218, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by repealing section 411e (MCL 750.411e); and to repeal acts and parts of acts.

The bill was read a second time.

Rep. Tate moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

By unanimous consent the House returned to the order of

**Third Reading of Bills**

**House Bill No. 5417, entitled**

A bill to amend 1996 PA 193, entitled “Michigan do-not-resuscitate procedure act,” by amending sections 2, 3a, 4, 8, 9, 10, and 11 (MCL 333.1052, 333.1053a, 333.1054, 333.1058, 333.1059, 333.1060, and 333.1061), sections 2 and 11 as amended by 2017 PA 157 and section 3a as added and sections 4, 8, 9, and 10 as amended by 2013 PA 155, and by adding section 3b.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 201**

**Yeas—102**

Afendoulis	Farrington	Kahle	Rabhi
Albert	Filler	Kennedy	Reilly
Alexander	Frederick	Koleszar	Rendon
Allor	Garrett	Kuppa	Sabo
Anthony	Garza	LaFave	Schroeder
Bellino	Glenn	LaGrand	Shannon
Berman	Green	Lasinski	Sheppard

Bolden	Greig	Leutheuser	Slagh
Bollin	Griffin	Liberati	Sneller
Brixie	Guerra	Lightner	Sowerby
Byrd	Haadsma	Lilly	Stone
Calley	Hall	Love	Tate
Cambensy	Hammoud	Lower	VanSingel
Camilleri	Hauck	Manoogian	VanWoerkom
Carter, B.	Hernandez	Marino	Vaupel
Carter, T.	Hertel	Markkanen	Wakeman
Chatfield	Hoadley	Meerman	Warren
Cherry	Hoitenga	Miller	Webber
Chirkun	Hood	Mueller	Wendzel
Clemente	Hornberger	Neeley, C.	Wentworth
Cole	Howell	O'Malley	Whiteford
Coleman	Huizenga	Pagan	Whitsett
Crawford	Iden	Paquette	Witwer
Eisen	Inman	Peterson	Wozniak
Elder	Johnson, C.	Pohutsky	Yaroch
Ellison	Johnson, S.		

**Nays—3**

Brann                                      Maddock                                      Yancey

In The Chair: Chatfield

The House agreed to the title of the bill.

Rep. Cole moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

**House Bill No. 5418, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," (MCL 380.1 to 380.1852) by adding sections 1180 and 1181.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 202****Yeas—103**

Afendoulis	Ellison	Johnson, S.	Rabhi
Albert	Farrington	Kahle	Reilly
Alexander	Filler	Kennedy	Rendon
Allor	Frederick	Koleszar	Sabo
Anthony	Garrett	Kuppa	Schroeder
Bellino	Garza	LaFave	Shannon
Berman	Glenn	LaGrand	Sheppard
Bolden	Green	Lasinski	Slagh
Bollin	Greig	Leutheuser	Sneller
Brann	Griffin	Liberati	Sowerby
Brixie	Guerra	Lightner	Stone
Byrd	Haadsma	Lilly	Tate
Calley	Hall	Love	VanSingel
Cambensy	Hammoud	Lower	VanWoerkom

Camilleri	Hauck	Manoogian	Vaupel
Carter, B.	Hernandez	Marino	Wakeman
Carter, T.	Hertel	Markkanen	Warren
Chatfield	Hoadley	Meerman	Webber
Cherry	Hoitenga	Miller	Wendzel
Chirkun	Hood	Mueller	Wentworth
Clemente	Hornberger	Neeley, C.	Whiteford
Cole	Howell	O'Malley	Whitsett
Coleman	Huizenga	Pagan	Witwer
Crawford	Iden	Paquette	Wozniak
Eisen	Inman	Peterson	Yaroch
Elder	Johnson, C.	Pohutsky	

**Nays—2**

Maddock                      Yancey

In The Chair: Chatfield

The House agreed to the title of the bill.  
Rep. Cole moved that the bill be given immediate effect.  
The motion prevailed, 2/3 of the members serving voting therefor.

**House Bill No. 5419, entitled**

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending section 5215 (MCL 700.5215), as amended by 2000 PA 469.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 203****Yeas—104**

Afendoulis	Ellison	Johnson, S.	Pohutsky
Albert	Farrington	Kahle	Rabhi
Alexander	Filler	Kennedy	Reilly
Allor	Frederick	Koleszar	Rendon
Anthony	Garrett	Kuppa	Sabo
Bellino	Garza	LaFave	Schroeder
Berman	Glenn	LaGrand	Shannon
Bolden	Green	Lasinski	Sheppard
Bollin	Greig	Leutheuser	Slagh
Brann	Griffin	Liberati	Sneller
Brixie	Guerra	Lightner	Sowerby
Byrd	Haadsma	Lilly	Stone
Calley	Hall	Love	Tate
Cambensy	Hammoud	Lower	VanSingel
Camilleri	Hauck	Maddock	VanWoerkom
Carter, B.	Hernandez	Manoogian	Vaupel
Carter, T.	Hertel	Marino	Wakeman
Chatfield	Hoadley	Markkanen	Warren
Cherry	Hoitenga	Meerman	Webber
Chirkun	Hood	Miller	Wendzel
Clemente	Hornberger	Mueller	Wentworth

Cole	Howell	Neeley, C.	Whiteford
Coleman	Huizenga	O'Malley	Whitsett
Crawford	Iden	Pagan	Witwer
Eisen	Inman	Paquette	Wozniak
Elder	Johnson, C.	Peterson	Yaroch

### Nays—1

Yancey

In The Chair: Chatfield

The House agreed to the title of the bill.  
Rep. Cole moved that the bill be given immediate effect.  
The motion prevailed, 2/3 of the members serving voting therefor.

Rep. Cole moved that **House Bill No. 5488** be placed on its immediate passage.  
The motion prevailed, a majority of the members serving voting therefor.

### House Bill No. 5488, entitled

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 1k of chapter IX (MCL 769.1k), as amended by 2017 PA 64.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

### Roll Call No. 204

### Yeas—101

Afendoulis	Ellison	Johnson, S.	Pohutsky
Albert	Farrington	Kahle	Reilly
Alexander	Filler	Kennedy	Rendon
Allor	Frederick	Koleszar	Schroeder
Anthony	Garrett	Kuppa	Shannon
Bellino	Garza	LaFave	Sheppard
Berman	Glenn	LaGrand	Slagh
Bolden	Green	Leutheuser	Sneller
Bollin	Greig	Liberati	Sowerby
Brann	Griffin	Lightner	Stone
Brixie	Guerra	Lilly	Tate
Byrd	Haadsma	Love	VanSingel
Calley	Hall	Lower	VanWoerkom
Cambensy	Hammoud	Maddock	Vaupel
Camilleri	Hauck	Manoogian	Wakeman
Carter, B.	Hernandez	Marino	Warren
Carter, T.	Hertel	Markkanen	Webber
Chatfield	Hoadley	Meerman	Wendzel
Cherry	Hoitenga	Miller	Wentworth
Chirkun	Hood	Mueller	Whiteford
Clemente	Hornberger	Neeley, C.	Whitsett
Cole	Howell	O'Malley	Witwer
Coleman	Huizenga	Pagan	Wozniak
Crawford	Iden	Paquette	Yancey
Eisen	Inman	Peterson	Yaroch
Elder			

**Nays—4**

Johnson, C.                      Lasinski                      Rabhi                      Sabo

In The Chair: Chatfield

The House agreed to the title of the bill.  
Rep. Cole moved that the bill be given immediate effect.  
The motion prevailed, 2/3 of the members serving voting therefor.

Rep. Cole moved that **House Bill No. 5766** be placed on its immediate passage.  
The motion prevailed, a majority of the members serving voting therefor.

**House Bill No. 5766, entitled**

A bill to amend 1973 PA 186, entitled "Tax tribunal act," (MCL 205.701 to 205.779) by adding section 37a.  
Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 205****Yeas—105**

Afendoulis	Farrington	Kahle	Rabhi
Albert	Filler	Kennedy	Reilly
Alexander	Frederick	Koleszar	Rendon
Allor	Garrett	Kuppa	Sabo
Anthony	Garza	LaFave	Schroeder
Bellino	Glenn	LaGrand	Shannon
Berman	Green	Lasinski	Sheppard
Bolden	Greig	Leutheuser	Slagh
Bollin	Griffin	Liberati	Sneller
Brann	Guerra	Lightner	Sowerby
Brixie	Haadsma	Lilly	Stone
Byrd	Hall	Love	Tate
Calley	Hammoud	Lower	VanSingel
Cambensy	Hauck	Maddock	VanWoerkom
Camilleri	Hernandez	Manoogian	Vaupel
Carter, B.	Hertel	Marino	Wakeman
Carter, T.	Hoadley	Markkanen	Warren
Chatfield	Hoitenga	Meerman	Webber
Cherry	Hood	Miller	Wendzel
Chirkun	Hornberger	Mueller	Wentworth
Clemente	Howell	Neeley, C.	Whiteford
Cole	Huizenga	O'Malley	Whitsett
Coleman	Iden	Pagan	Witwer
Crawford	Inman	Paquette	Wozniak
Eisen	Johnson, C.	Peterson	Yancey
Elder	Johnson, S.	Pohutsky	Yaroch
Ellison			

**Nays—0**

In The Chair: Chatfield

The House agreed to the title of the bill.

Rep. Cole moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

Rep. Cole moved that **House Bill No. 4965** be placed on its immediate passage.

The motion prevailed, a majority of the members serving voting therefor.

**House Bill No. 4965, entitled**

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to promote safe and efficient travel for motor vehicle drivers, bicyclists, pedestrians, and other legal users of roads, streets, and highways; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for the submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending sections 11h, 12, 14, and 15 (MCL 247.661h, 247.662, 247.664, and 247.665), section 11h as amended by 2018 PA 471, sections 12 and 14 as amended by 2015 PA 175, and section 15 as amended by 1999 PA 50.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 206**

**Yeas—101**

Afendoulis	Farrington	Johnson, S.	Reilly
Albert	Filler	Kahle	Rendon
Alexander	Frederick	Kennedy	Sabo
Allor	Garrett	Koleszar	Schroeder
Anthony	Garza	Kuppa	Shannon
Bellino	Glenn	LaGrand	Sheppard
Berman	Green	Lasinski	Slagh
Bolden	Greig	Leutheuser	Sneller
Bollin	Griffin	Liberati	Sowerby
Brann	Guerra	Lightner	Stone
Brixie	Haadsma	Lilly	Tate
Byrd	Hall	Love	VanSingel
Calley	Hammoud	Lower	VanWoerkom
Cambensy	Hauck	Manoogian	Vaupel

Camilleri	Hernandez	Marino	Wakeman
Carter, B.	Hertel	Markkanen	Warren
Carter, T.	Hoadley	Meerman	Webber
Chatfield	Hoitenga	Miller	Wendzel
Cherry	Hood	Mueller	Wentworth
Chirkun	Hornberger	Neeley, C.	Whiteford
Clemente	Howell	O'Malley	Whitsett
Cole	Huizenga	Pagan	Witwer
Coleman	Iden	Peterson	Wozniak
Crawford	Inman	Pohutsky	Yancey
Elder	Johnson, C.	Rabhi	Yaroch
Ellison			

#### Nays—4

Eisen	LaFave	Maddock	Paquette
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In The Chair: Chatfield

The House agreed to the title of the bill.

Rep. Cole moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

Rep. Cole moved that **House Bill No. 4966** be placed on its immediate passage.

The motion prevailed, a majority of the members serving voting therefor.

#### **House Bill No. 4966, entitled**

A bill to amend 1951 PA 51, entitled “An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to promote safe and efficient travel for motor vehicle drivers, bicyclists, pedestrians, and other legal users of roads, streets, and highways; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts,” by amending section 13 (MCL 247.663), as amended by 2015 PA 175.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:



**Roll Call No. 207****Yeas—101**

Afendoulis	Farrington	Johnson, S.	Reilly
Albert	Filler	Kahle	Rendon
Alexander	Frederick	Kennedy	Sabo
Allor	Garrett	Koleszar	Schroeder
Anthony	Garza	Kuppa	Shannon
Bellino	Glenn	LaGrand	Sheppard
Berman	Green	Lasinski	Slagh
Bolden	Greig	Leutheuser	Sneller
Bollin	Griffin	Liberati	Sowerby
Brann	Guerra	Lightner	Stone
Brixie	Haadsma	Lilly	Tate
Byrd	Hall	Love	VanSingel
Calley	Hammoud	Lower	VanWoerkom
Cambensy	Hauck	Manoogian	Vaupel
Camilleri	Hernandez	Marino	Wakeman
Carter, B.	Hertel	Markkanen	Warren
Carter, T.	Hoadley	Meerman	Webber
Chatfield	Hoitenga	Miller	Wendzel
Cherry	Hood	Mueller	Wentworth
Chirkun	Hornberger	Neeley, C.	Whiteford
Clemente	Howell	O'Malley	Whitsett
Cole	Huizenga	Pagan	Witwer
Coleman	Iden	Peterson	Wozniak
Crawford	Inman	Pohutsky	Yancey
Elder	Johnson, C.	Rabhi	Yaroch
Ellison			

**Nays—4**

Eisen	LaFave	Maddock	Paquette
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In The Chair: Chatfield

The House agreed to the title of the bill.

Rep. Cole moved that the bill be given immediate effect.

The motion prevailed, 2/3 of the members serving voting therefor.

Rep. Cole moved that **House Bill No. 4971** be placed on its immediate passage.

The motion prevailed, a majority of the members serving voting therefor.

**House Bill No. 4971, entitled**

A bill to amend 1951 PA 51, entitled "An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to promote safe and efficient travel for motor vehicle drivers, bicyclists, pedestrians, and other legal users of roads, streets, and highways; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to

authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," by amending section 9a (MCL 247.659a), as amended by 2018 PA 325.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 208****Yeas—105**

Afendoulis	Farrington	Kahle	Rabhi
Albert	Filler	Kennedy	Reilly
Alexander	Frederick	Koleszar	Rendon
Allor	Garrett	Kuppa	Sabo
Anthony	Garza	LaFave	Schroeder
Bellino	Glenn	LaGrand	Shannon
Berman	Green	Lasinski	Sheppard
Bolden	Greig	Leutheuser	Slagh
Bollin	Griffin	Liberati	Sneller
Brann	Guerra	Lightner	Sowerby
Brixie	Haadsma	Lilly	Stone
Byrd	Hall	Love	Tate
Calley	Hammoud	Lower	VanSingel
Cambensy	Hauck	Maddock	VanWoerkom
Camilleri	Hernandez	Manoogian	Vaupel
Carter, B.	Hertel	Marino	Wakeman
Carter, T.	Hoadley	Markkanen	Warren
Chatfield	Hoitenga	Meerman	Webber
Cherry	Hood	Miller	Wendzel
Chirkun	Hornberger	Mueller	Wentworth
Clemente	Howell	Neeley, C.	Whiteford
Cole	Huizenga	O'Malley	Whitsett
Coleman	Iden	Pagan	Witwer
Crawford	Inman	Paquette	Wozniak
Eisen	Johnson, C.	Peterson	Yancey
Elder	Johnson, S.	Pohutsky	Yaroch
Ellison			

**Nays—0**

In The Chair: Chatfield

The House agreed to the title of the bill.  
Rep. Cole moved that the bill be given immediate effect.  
The motion prevailed, 2/3 of the members serving voting therefor.

Rep. Cole moved to reconsider the vote by which the House passed **House Bill No. 5417**.  
The motion prevailed, a majority of the members serving voting therefor.

**House Bill No. 5417, entitled**

A bill to amend 1996 PA 193, entitled “Michigan do-not-resuscitate procedure act,” by amending sections 2, 3a, 4, 8, 9, 10, and 11 (MCL 333.1052, 333.1053a, 333.1054, 333.1058, 333.1059, 333.1060, and 333.1061), sections 2 and 11 as amended by 2017 PA 157 and section 3a as added and sections 4, 8, 9, and 10 as amended by 2013 PA 155, and by adding section 3b.

(The bill was passed earlier today, see today’s Journal, p. 808.)

The question being on the passage of the bill,

The bill was then passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

**Roll Call No. 209**

**Yeas—104**

Afendoulis	Ellison	Johnson, S.	Pohutsky
Albert	Farrington	Kahle	Rabhi
Alexander	Filler	Kennedy	Reilly
Allor	Frederick	Koleszar	Rendon
Anthony	Garrett	Kuppa	Sabo
Bellino	Garza	LaFave	Schroeder
Berman	Glenn	LaGrand	Shannon
Bolden	Green	Lasinski	Sheppard
Bollin	Greig	Leutheuser	Slagh
Brann	Griffin	Liberati	Sneller
Brixie	Guerra	Lightner	Sowerby
Byrd	Haadsma	Lilly	Stone
Calley	Hall	Love	Tate
Cambensy	Hammoud	Lower	VanSingel
Camilleri	Hauck	Maddock	VanWoerkom
Carter, B.	Hernandez	Manoogian	Vaupel
Carter, T.	Hertel	Marino	Wakeman
Chatfield	Hoadley	Markkanen	Warren
Cherry	Hoitenga	Meerman	Webber
Chirkun	Hood	Miller	Wendzel
Clemente	Hornberger	Mueller	Wentworth
Cole	Howell	Neeley, C.	Whiteford
Coleman	Huizenga	O’Malley	Whitsett
Crawford	Iden	Pagan	Witwer
Eisen	Inman	Paquette	Wozniak
Elder	Johnson, C.	Peterson	Yaroch

**Nays—1**

Yancey

In The Chair: Chatfield



The Speaker called Associate Speaker Pro Tempore Hornberger to the Chair.

By unanimous consent the House returned to the order of

**Motions and Resolutions**

Reps. LaFave, Allor, Bollin, Brixie, Calley, Cherry, Haadsma, Hoadley, Hood, Liberati, Sabo, Schroeder, Shannon, Slagh, Sneller, Tate, Warren, Witwer and Yaroch offered the following resolution:

**House Resolution No. 258.**

A resolution to declare May 10-16, 2020, as Police Week in the state of Michigan.

Whereas, In 1962, President John F. Kennedy proclaimed May 15 as National Peace Officers Memorial Day and the calendar week in which May 15th falls as National Police Week. Established by a joint resolution of Congress in 1962, National Police Week pays special recognition to those law enforcement officers who have lost their lives in the line of duty for the safety and protection of others; and

Whereas, There are more than 800,000 law enforcement officers serving in communities across the United States, including the approximately 19,000 full-time uniformed police officers in Michigan, serving 583 agencies; and

Whereas, Members of law enforcement deserve the appreciation and respect of the people of Michigan for the merit, dignity, bravery, and reliability they exhibit each and every day. We must also honor the sacrifices made by families of police officers, as each day they must face constant fear as their loved one works to protect us; and

Whereas, In 2019 alone, 133 law enforcement officers were killed and many, many more assaulted in the line of duty across the country. The names of these dedicated public servants who made the ultimate sacrifice are engraved on the walls of the National Law Enforcement Officers Memorial in Washington, D.C.; and

Whereas, Michigan's fallen officers will never be forgotten, nor will their service to their respective communities. By choosing to commit themselves to law enforcement, these brave individuals answered the call for service and willingly put their lives in jeopardy. We commend them for recognizing service as a noble career, protecting the public safety; and all of those who are serving without incident to date; and

Whereas, Michigan and all Michigan citizens have turned to members of law enforcement for assistance and support in times of distress, whether they are coping with a personal crisis, or struggling through civil disorder or a natural disaster. Our communities rely on these courageous individuals when it is difficult to stand on our own and we are indebted to the unwavering public service of our local and state police. We are indeed fortunate and grateful for the contributions of law enforcement officers to the people of this state; and

Whereas, Law enforcement officers signed up for a hazardous and naturally dangerous job. With this current COVID-19 pandemic, law enforcement officers are dealing with especially challenging circumstances and are dealing with the potential of exposing their families every day when they come home. To protect their families and loved ones, there are law enforcement officers across Michigan living separate from their families in hotels, tents, garages, and other temporary living arrangements to help protect their families. These actions demonstrate the commitment that law enforcement personnel have to our communities and the state of Michigan; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare May 10-16, 2020, as Police Week in the state of Michigan. We publicly salute the service of law enforcement officers in our community as well as those of our state and nation and honor police who place their lives on the line for the safety and security of their communities.

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Vaupel, Brixie, Cherry, Greig, Haadsma, Hoadley, Kupp, Liberati, Sabo, Shannon, Sneller, Stone and Tate offered the following resolution:

**House Resolution No. 259.**

A resolution to declare May 3-9, 2020, as Tardive Dyskinesia Awareness Week in the state of Michigan.

Whereas, Many peoples with serious, chronic mental illness, such as schizophrenia and other schizoaffective disorders, bipolar disorder, or severe depression, require treatment with medications that work as dopamine receptor blocking agents (DRBAs), including antipsychotics; and

Whereas, While ongoing treatment with these medications can be very helpful, and even lifesaving, for many people, it can also lead to tardive dyskinesia (TD); and

Whereas, Many people who have gastrointestinal disorders, including gastroparesis, nausea, and vomiting also require treatment with DRBAs; and

Whereas, Treatment of gastrointestinal disorders with DRBAs can be very helpful, but for many patients can lead to tardive dyskinesia; and

Whereas, Tardive dyskinesia is a movement disorder that is characterized by random, involuntary, and uncontrolled movements of different muscles in the face, trunk and extremities. In some cases, people may experience movement of the arms, legs, fingers, and toes. In some case, it may affect the tongue, lips and jaw. In other cases, symptoms may include swaying movements of the trunk or hips and may impact the muscles associated with walking, speech, eating and breathing; and

Whereas, Tardive dyskinesia can develop months, years, or decades after a person starts taking DRBAs and even after they have discontinued use of those medications. Not everyone who takes a DRBA develops TD, but if it develops it is often permanent; and

Whereas, Common risk factors for tardive dyskinesia include advanced age and alcoholism or other substance abuse disorders. Postmenopausal women and people with a mood disorder are also higher risk of developing tardive dyskinesia; and

Whereas, A person is at higher risk for TD after taking DRBAs for three months or longer, but the longer the person is on these medications, the higher the risk of developing tardive dyskinesia; and

Whereas, Studies suggest that overall risk of developing tardive dyskinesia is between 10 and 30 percent; and

Whereas, it is estimated that over 500,000 Americans suffer from tardive dyskinesia. According to the National Alliance for Mental Illness, one in every four patients receiving long-term treatment with an antipsychotic medication will experience tardive dyskinesia; and

Whereas, Years of difficult and challenging research have resulted in recent scientific breakthroughs, with two new treatments for tardive dyskinesia approved by the United States Food and Drug Administration; and

Whereas, Tardive dyskinesia is often unrecognized and patients suffering from the illness are commonly misdiagnosed. Regular screening for TD in patients taking DRBA medications is recommended by the American Psychiatric Association (APA); and

Whereas, Patients suffering from tardive dyskinesia often suffer embarrassment due to abnormal and involuntary movements, which leads them to withdraw from society and increasingly isolate themselves as the disease progresses; and

Whereas, Caregivers of patients with tardive dyskinesia face many challenges and are often responsible for the overall care of the TD patient; and

Whereas, We can raise awareness of tardive dyskinesia in the public and medical community: now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare May 3-9, 2020, as Tardive Dyskinesia Awareness Week in the state of Michigan. We encourage each individual in the United States to become better informed about and aware of tardive dyskinesia.

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Chirkun, Brixie, Calley, Cherry, Greig, Haadsma, Hoadley, Kuppa, Liberati, Sabo, Sneller, Sowerby, Stone, Tate, Warren and Witwer offered the following resolution:

**House Resolution No. 260.**

A resolution to declare May 2020 as Foster Care Awareness Month in the state of Michigan.

Whereas, There is nothing more precious to Michigan than the healthy growth and development of the young people who will determine the future direction of our state; and

Whereas, The family, serving as the primary source of love, identity, self-esteem, and support, is the very foundation of our communities and our state; and

Whereas, In Michigan, there are nearly 13,000 children and youths in the foster care system who are being provided a safe, secure, and stable home environment along with the compassion and nurturing of a foster or relative foster family; and

Whereas, Foster families open their homes and hearts to children whose families are in crisis and thus they play a vital role in helping children and families heal, reconnect, and launch children into successful adulthood; and

Whereas, Dedicated foster families frequently adopt foster children resulting in a continual need for more foster families; and

Whereas, Foster Care Awareness Month in the state of Michigan is an appropriate opportunity to thank the families who embrace the often thankless responsibility of providing a home and family to children in need of affection, love, and security, and to support the efforts of those who dedicate their time to children in and leaving foster care; and

Whereas, The state of Michigan must do more to improve the lives of children in foster care; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare May 2020 as Foster Care Awareness Month in the state of Michigan. We encourage more citizens to volunteer their time to become a mentor to a child that is in foster care and realize that the state of Michigan must do more to improve the lives of children in foster care.

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Ellison, Mueller, Allor, Brixie, Calley, Cherry, Chirkun, Clemente, Greig, Hoadley, Hood, Kuppa, Liberati, Sabo, Schroeder, Sneller, Sowerby, Stone, Tate, Warren and Witwer offered the following resolution:

**House Resolution No. 261.**

A resolution to declare May 2020 as Cystic Fibrosis Awareness Month in the state of Michigan.

Whereas, Cystic fibrosis (CF) is a genetic disease affecting approximately 30,000 children and adults in the United States; and

Whereas, A defective gene causes the body to produce an abnormally thick, sticky mucus that clogs the lungs. These secretions produce life-threatening lung infections and obstruct the pancreas, preventing digestive enzymes from reaching the intestines to help break down and absorb food; and

Whereas, More than 10 million Americans are symptomless carriers of the defective cystic fibrosis gene; and

Whereas, There are approximately 1,000 people in Michigan living with the disease. The median age of survival for a person with cystic fibrosis is 41.1 years; and

Whereas, Infant blood screening to detect genetic defects is the most reliable and least costly method to identify persons likely to have CF. Early diagnosis of cystic fibrosis permits early treatment and enhances quality of life and longevity. The treatment of CF depends on the stage of the disease and the organs involved. A critical component of treating patients with cystic fibrosis includes access to innovative treatments, which can play a critical role in the lives of patients; and

Whereas, Michigan has the second CF Task Force in the Country that raises awareness and advocates for people with CF. Michigan based non-profit advocacy groups such as the Rock CF Foundation, The Bonnell Foundation: Living with cystic fibrosis and Hunt for a Cure raise awareness and funds to assist the CF Community. The CF Foundations local chapter continues to raise much needed funds for research and medications; and

Whereas, Michigan also has eight cystic fibrosis care centers: Children's Hospital of Michigan, Wayne State University Harper University Hospital, Helen DeVos Women and Children's Center, Spectrum Health Adult Cystic Fibrosis Care Center, Michigan State University Pediatric, University of Michigan Pediatric and Adult, Hurley Children's Clinic at Mott Children's Health Center, and Western Michigan University School of Medicine Clinics. Toledo, Ohio is also home to the Toledo Children's Hospital and Northwest Ohio Cystic Fibrosis Center which serve Michigan patients as well; and

Whereas, During the month of May, cystic fibrosis chapters and volunteers will come together throughout the state of Michigan to raise awareness about the disease to achieve their mission of curing and providing support and treatment to those with cystic fibrosis; now, therefore, be it

Resolved by the House of Representatives, That the members of this legislative body declare May 2020 as Cystic Fibrosis Awareness Month in the state of Michigan.

The question being on the adoption of the resolution,

The resolution was adopted.

Reps. Manoogian, Anthony, Brixie, Tyrone Carter, Greig, Ellison, Hoadley, Kuppa, Liberati, Sabo, Sowerby, Stone and Tate offered the following resolution:

**House Resolution No. 262.**

A resolution to urge the Michigan State Capitol Commission to prohibit firearms in public areas of the state Capitol building and within the immediate vicinity of the building, with exemptions for legislative sergeants at arms and law enforcement officers, and to install security screening checkpoints at entrances of the state Capitol building.

Whereas, The Michigan State Capitol Commission, pursuant to the Michigan State Capitol Historic Site Act, 2013 PA 240, exercises control over the public areas of the state Capitol building and its grounds, including the rotunda and its galleries, the main corridors, the grand staircases, the ground floor entrances, and outdoor staircases; and

Whereas, The state Capitol building is a working government building. It houses the Senate and House chambers, Appropriations Committee rooms, and several legislative offices. Michigan legislators and staff regularly undertake the business of the state in the state Capitol building; and

Whereas, The state Capitol building is also the people's building. The state Capitol is open to school groups and individuals who explore the history of Michigan and its government and appreciate the structure itself. Hundreds of individuals may access the state Capitol building on any given day. Open access to the state Capitol allows Michigan citizens to learn our history, observe the legislative process, voice their opinions, and directly meet government representatives to address personal and professional needs; and

Whereas, It is important that legislators, staff, and the public are safe in the state Capitol building. Allowing individuals to carry firearms in the state Capitol building exposes state employees and citizens to unnecessary risk. The presence of firearms is meant to intimidate legislators, interrupt the democratic process, and block the ability of legislators to properly represent their constituents; and

Whereas, The Michigan State Capitol Commission does have authority to restrict firearms possession in the state Capitol building. The Supreme Court of the United States has affirmed, "Like most rights, the right secured by the Second Amendment is not unlimited." In the Court's opinion in *District of Columbia v. Heller*, Justice Antonin Scalia wrote that "nothing in our opinion should be taken to cast doubt on...laws forbidding the carrying of firearms in sensitive places such as schools and government buildings." Allowing citizens to bring firearms into the Michigan state Capitol building is not, therefore, a constitutional right; and

Whereas, Prohibiting firearms possession in the state Capitol building and in its immediate vicinity and installing security screening checkpoints for individuals and their personal property to enforce the prohibition will ensure legislators, staff, and Michigan residents remain safe while using the state Capitol building; now, therefore, be it

Resolved by the House of Representatives, That we urge the Michigan State Capitol Commission to prohibit firearms in public areas of the state Capitol building and within the immediate vicinity of the building, as the Commission may determine, while exempting legislative sergeants at arms and law enforcement officers so that they may properly protect legislators and the public; and be it further

Resolved, That we urge the Michigan State Capitol Commission to install security screening checkpoints for individuals and their personal property at entrances of the state Capitol building; and be it further

Resolved, That copies of this resolution be transmitted to the members of the Michigan State Capitol Commission.

The resolution was referred to the Committee on Government Operations.

Reps. Hammoud, Brixie, Cherry, Ellison, Greig, Guerra, Haadsma, Hoadley, Liberati, Sowerby, Stone and Tate offered the following resolution:

**House Resolution No. 263.**

A resolution to memorialize the President and Congress of the United States to take various actions to minimize the social and economic impact of and improve response to the COVID-19 pandemic.

Whereas, COVID-19, also known as the novel coronavirus, has continued to spread throughout Michigan and the United States. The first cases in Michigan were reported on March 10, 2020, and the number of cases has continued to increase. On March 16, 2020, Dr. Joneigh Khaldun, the state's chief medical officer, stated that there was no question that thousands of Michiganders have the virus; and

Whereas, Preventing the spread of COVID-19 and mitigating its effects may require prolonged periods of isolation and extraordinary public health measures. Governor Whitmer has issued executive orders prohibiting large gatherings, closing all primary and secondary schools, and requiring the closure of many businesses, including restaurants and movie theaters. President Trump has suggested that these measures may be necessary for several months, and that all gatherings over 10 people be cancelled; and

Whereas, Taking these necessary steps to protect public health will place a heavy burden on residents in Michigan and across the country. Many employees will be out of work and forgo wages while ill, under quarantine, caring for their children while schools are closed, or caring for relatives who are ill; and

Whereas, Significant action will be required to limit the economic and social effects of this crisis. Some investors fear that the combined effects of the COVID-19 outbreak and the measures taken to contain the virus may lead the United States into an economic recession or even a depression; and

Whereas, There are a number of actions available to the federal government that would mitigate the impact of and improve response to the COVID-19 outbreak, including: placing a moratorium on mortgage, rent, and utility payments; prohibiting utility shutoffs; extending the income tax filing deadline; providing support to small businesses; increasing the availability of COVID-19 tests; and deploying the National Guard; and

Whereas, Placing a moratorium on mortgage, rent, and utility payments for both businesses and individuals will allow them to weather the period of diminished income without having to decide which necessities to prioritize. Prohibiting utility shutoffs and evictions will also allow individuals and businesses to take the necessary steps to prevent spreading COVID-19 without additional and unnecessary financial concerns. In Michigan, Consumers Energy and DTE Energy have agreed to end shutoffs for seniors and low-income residents; however, a nationwide moratorium is necessary to protect all residents during this crisis; and

Whereas, Providing direct financial assistance to struggling families and individuals will help them meet their financial needs while their income is restricted. Proposals to provide this assistance have ranged from a universal basic income for all adults to a refundable tax credit for low-income families. These proposals would help those most in need to weather this period of economic distress; and

Whereas, Extending the income tax filing deadline will allow individuals more financial flexibility and provide hundreds of billions of dollars of immediate equity into the market. By delaying the deadline and granting relief from filing and payment penalties, individuals and businesses will have more stability and flexibility to pay for child care, medical care, and other expenses during this unpredictable time; and

Whereas, Providing financial support to small businesses will help to ensure that this vital part of our nation's economy is able to survive the crisis. Many small businesses have already or will be forced to temporarily close due to lack of demand and public health orders. Providing support to these entrepreneurs through low-interest loans and other means will help their businesses to remain viable; and

Whereas, Increasing the availability of COVID-19 tests will assist states in properly responding to this crisis. There has been a shortage of tests to identify those infected by COVID-19 in the United States, which has limited the ability of state and local health officials to identify and properly isolate these individuals; and

Whereas, Deploying the National Guard to assist states will increase the nation's ability to respond to this crisis. Specifically, the National Guard could assist states in high risk areas, in medical facilities, and with sanitation efforts; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the President and Congress of the United States to take various actions to minimize the social and financial impact of and improve response to the COVID-19 outbreak, including: placing a moratorium on mortgage, rent, and utility payments; prohibiting utility shutoffs and evictions; providing direct financial support to individuals; extending the income tax filing deadline; providing support to small businesses; increasing availability of COVID-19 tests; and deploying the National Guard to assist states; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

The resolution was referred to the Committee on Government Operations.

Reps. Lasinski, Brixie, Cherry, Chirkun, Clemente, Ellison, Greig, Guerra, Haadsma, Hoadley, Hood, Kuppa, Liberati, Sabo, Shannon, Sneller, Sowerby, Stone, Tate, Warren and Witwer offered the following resolution:

**House Resolution No. 264.**

A resolution to urge the federal government to reconsider and approve a federal waiver to exclude Federal Pandemic Unemployment Compensation from counting as income under the Supplemental Nutrition Assistance Program.

Whereas, The Supplemental Nutrition Assistance Program (SNAP) is the largest federal food safety net program in the United States, serving more than 37 million people annually. SNAP ensures that people across the country have access to food and helps people buy the food they need for good health; and

Whereas, On March 27, 2020, the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act was signed into law approving Federal Pandemic Unemployment Compensation (FPUC) in response to the COVID-19 Pandemic. FPUC provides an additional \$600 per week in unemployment compensation from March 29, 2020, through July 25, 2020, to any worker eligible for state or federal unemployment compensation; and

Whereas, Currently, FPUC is treated as unearned income under the federal regulations that determine SNAP eligibility. This leaves more households ineligible for SNAP because eligibility is, in part, based on meeting certain income thresholds. For example, the net monthly income for a family of four may not exceed \$2,146. As a consequence, more households exceed the income eligibility threshold despite members being unemployed. For households who remain eligible, treating FPUC as income can decrease the monthly allotment of SNAP benefits; and

Whereas, The state of Michigan submitted a waiver request to the United States Department of Agriculture to exclude FPUC funding from the definition of income under SNAP regulations to allow more Michigan residents to receive benefits during the COVID-19 Pandemic, but the waiver was denied; and

Whereas, In Michigan, other assistance programs, such as State Emergency Relief, Medicaid, and Temporary Assistance for Needy Families, do not consider FPUC as income for the purposes of benefit determination. These changes place administrative burden on staff because the income must be documented manually and differently than for other assistance programs; and



Whereas, The exclusion of this temporary benefit in income calculations for SNAP eligibility determinations would allow low-income households to continue receiving SNAP benefits at a time when finding new employment is nearly impossible. It would help households that are struggling to meet their basic needs during the COVID-19 Pandemic; now, therefore, be it

Resolved by the House of Representatives, That we urge the federal government to reconsider and approve a federal waiver to exclude Federal Pandemic Unemployment Compensation from counting as income under the Supplemental Nutrition Assistance Program; and be it further

Resolved, That copies of this resolution be transmitted to the United States Secretary of Agriculture and the Deputy Under Secretary for Food, Nutrition, and Consumer Services.

The resolution was referred to the Committee on Government Operations.

Reps. Manoogian, Anthony, Brixie, Tyrone Carter, Greig, Ellison, Hoadley, Kuppa, Liberati, Sabo, Sowerby, Stone and Tate offered the following concurrent resolution:

**House Concurrent Resolution No. 23.**

A concurrent resolution to urge the Michigan State Capitol Commission to prohibit firearms in public areas of the state Capitol building and within the immediate vicinity of the building, with exemptions for legislative sergeants at arms and law enforcement officers, and to install security screening checkpoints at entrances of the state Capitol building.

Whereas, The Michigan State Capitol Commission, pursuant to the Michigan State Capitol Historic Site Act, 2013 PA 240, exercises control over the public areas of the state Capitol building and its grounds, including the rotunda and its galleries, the main corridors, the grand staircases, the ground floor entrances, and outdoor staircases; and

Whereas, The state Capitol building is a working government building. It houses the Senate and House chambers, Appropriations Committee rooms, and several legislative offices. Michigan legislators and staff regularly undertake the business of the state in the state Capitol building; and

Whereas, The state Capitol building is also the people's building. The state Capitol is open to school groups and individuals who explore the history of Michigan and its government and appreciate the structure itself. Hundreds of individuals may access the state Capitol building on any given day. Open access to the state Capitol allows Michigan citizens to learn our history, observe the legislative process, voice their opinions, and directly meet government representatives to address personal and professional needs; and

Whereas, It is important that legislators, staff, and the public are safe in the state Capitol building. Allowing individuals to carry firearms in the state Capitol building exposes state employees and citizens to unnecessary risk. The presence of firearms is meant to intimidate legislators, interrupt the democratic process, and block the ability of legislators to properly represent their constituents; and

Whereas, The Michigan State Capitol Commission does have authority to restrict firearms possession in the state Capitol building. The Supreme Court of the United States has affirmed, "Like most rights, the right secured by the Second Amendment is not unlimited." In the Court's opinion in *District of Columbia v. Heller*, Justice Antonin Scalia wrote that "nothing in our opinion should be taken to cast doubt on...laws forbidding the carrying of firearms in sensitive places such as schools and government buildings." Allowing citizens to bring firearms into the Michigan state Capitol building is not, therefore, a constitutional right; and

Whereas, Prohibiting firearms possession in the state Capitol building and in its immediate vicinity and installing security screening checkpoints for individuals and their personal property to enforce the prohibition will ensure legislators, staff, and Michigan residents remain safe while using the state Capitol building; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we urge the Michigan State Capitol Commission to prohibit firearms in public areas of the state Capitol building and within the immediate vicinity of the building, as the Commission may determine, while exempting legislative sergeants at arms and law enforcement officers so that they may properly protect legislators and the public; and be it further

Resolved, That we urge the Michigan State Capitol Commission to install security screening checkpoints for individuals and their personal property at entrances of the state Capitol building; and be it further

Resolved, That copies of this resolution be transmitted to the members of the Michigan State Capitol Commission.

The resolution was referred to the Committee on Government Operations.

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Rep. Webber moved that House Committees be given leave to meet during the balance of today's session. The motion prevailed.

### Announcement by the Clerk of Printing and Enrollment

The Clerk announced that the following bills had been reproduced and made available electronically on Wednesday, May 13:

**House Bill Nos. 5768 5769**

The Clerk announced that the following Senate bill had been received on Friday, May 15:

**Senate Bill No. 690**

The Clerk announced that the following Senate bills had been received on Tuesday, May 19:

**Senate Bill Nos. 876 877 878**

The Clerk announced that the following bills had been reproduced and made available electronically on Tuesday, May 19:

**Senate Bill Nos. 924 925**

### Reports of Select Committees

#### COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Hall, Chair, of the Joint Select Committee on the COVID-19 Pandemic, was received and read:

Meeting held on: Wednesday, May 13, 2020

Present: Reps. Hall, Calley, O'Malley, Guerra and Tyrone Carter  
Sens. Nesbitt, LaSata, Schmidt, Hertel and Hollier

### Messages from the Senate

#### **Senate Bill No. 690, entitled**

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2020; and to provide for the expenditure of the appropriations.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Appropriations.

#### **Senate Bill No. 876, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 216, 226, 255, 301, 309, and 314 (MCL 257.216, 257.226, 257.255, 257.301, 257.309, and 257.314), section 216 as amended by 2009 PA 32, section 226 as amended by 2018 PA 342, section 255 as amended by 2018 PA 64, sections 301 and 314 as amended by 2011 PA 159, and section 309 as amended by 2016 PA 23, and by adding sections 312k and 801k.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Transportation.

#### **Senate Bill No. 877, entitled**

A bill to amend 1972 PA 222, entitled "An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes," by amending sections 2 and 9a (MCL 28.292 and 28.299a), section 2 as amended by 2018 PA 669 and section 9a as added by 2008 PA 32.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Transportation.

**Senate Bill No. 878, entitled**

A bill to amend 2008 PA 23, entitled "Enhanced driver license and enhanced official state personal identification card act," by amending sections 4 and 6 (MCL 28.304 and 28.306), section 4 as amended by 2018 PA 47 and section 6 as amended by 2009 PA 211.

The Senate has passed the bill.

The bill was read a first time by its title and referred to the Committee on Transportation.

By unanimous consent the House returned to the order of

**Reports of Standing Committees**

The Committee on Regulatory Reform, by Rep. Webber, Chair, referred

**House Bill No. 4488, entitled**

A bill to amend 1974 PA 381, entitled "An act to encourage and contribute to the rehabilitation of former offenders and to assist them in the assumption of the responsibilities of citizenship; to prescribe the use of the term "good moral character" or similar term as a requirement for an occupational or professional license or when used as a requirement to establish or operate an organization or facility regulated by this state; and to provide administrative and judicial procedures to contest licensing board or agency rulings thereon," by amending the title and sections 1, 2, 3, 4, 5, 6, and 7 (MCL 338.41, 338.42, 338.43, 338.44, 338.45, 338.46, and 338.47), section 2 as amended by 2014 PA 361.

to the Committee on Ways and Means with the recommendation that the substitute (H-2) be adopted.

## Favorable Roll Call

To Refer:

Yeas: Reps. Webber, Crawford, Farrington, Frederick, Hoytenga, Filler, Hall, Wendzel, Chirkun, Liberati, Cambensy, Jones, Garza and Cynthia Neeley

Nays: None

The bill and substitute were referred to the Committee on Ways and Means.

The Committee on Regulatory Reform, by Rep. Webber, Chair, referred

**House Bill No. 4489, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 934 (MCL 600.934), as amended by 2004 PA 558.

to the Committee on Ways and Means.

## Favorable Roll Call

To Refer:

Yeas: Reps. Webber, Berman, Crawford, Farrington, Frederick, Hoytenga, Filler, Hall, Wendzel, Chirkun, Liberati, Cambensy, Jones, Garza and Cynthia Neeley

Nays: None

The bill was referred to the Committee on Ways and Means.

The Committee on Regulatory Reform, by Rep. Webber, Chair, referred

**House Bill No. 4490, entitled**

A bill to amend 2016 PA 407, entitled "Skilled trades regulation act," by amending section 105 (MCL 339.5105).

to the Committee on Ways and Means.

## Favorable Roll Call

To Refer:

Yeas: Reps. Webber, Berman, Crawford, Farrington, Frederick, Hoytenga, Filler, Hall, Wendzel, Chirkun, Liberati, Cambensy, Jones, Garza and Cynthia Neeley

Nays: None

The bill was referred to the Committee on Ways and Means.

The Committee on Regulatory Reform, by Rep. Webber, Chair, referred

**House Bill No. 4491, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16104 and 21755 (MCL 333.16104 and 333.21755), section 16104 as amended by 2011 PA 210.  
to the Committee on Ways and Means.

Favorable Roll Call

To Refer:

Yeas: Reps. Webber, Berman, Crawford, Farrington, Frederick, Hoytenga, Filler, Hall, Wendzel, Chirkun, Liberati, Cambensy, Jones, Garza and Cynthia Neeley

Nays: None

The bill was referred to the Committee on Ways and Means.

The Committee on Regulatory Reform, by Rep. Webber, Chair, referred

**House Bill No. 4492, entitled**

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 104 (MCL 339.104), as amended by 2016 PA 412.  
to the Committee on Ways and Means.

Favorable Roll Call

To Refer:

Yeas: Reps. Webber, Berman, Crawford, Farrington, Frederick, Hoytenga, Filler, Hall, Wendzel, Chirkun, Liberati, Cambensy, Jones, Garza and Cynthia Neeley

Nays: None

The bill was referred to the Committee on Ways and Means.

The Committee on Regulatory Reform, by Rep. Webber, Chair, referred

**House Bill No. 4493, entitled**

A bill to amend 1980 PA 299, entitled "Occupational code," by amending section 411 (MCL 339.411), as amended by 2014 PA 265.  
to the Committee on Ways and Means.

Favorable Roll Call

To Refer:

Yeas: Reps. Webber, Berman, Crawford, Farrington, Frederick, Hoytenga, Filler, Hall, Wendzel, Chirkun, Liberati, Cambensy, Jones, Garza and Cynthia Neeley

Nays: None

The bill was referred to the Committee on Ways and Means.

The Committee on Regulatory Reform, by Rep. Webber, Chair, referred

**House Bill No. 5339, entitled**

A bill to amend 1995 PA 29, entitled "Uniform unclaimed property act," by amending section 36a (MCL 567.256a), as added by 2016 PA 312.  
to the Committee on Ways and Means.

Favorable Roll Call

To Refer:

Yeas: Reps. Webber, Berman, Crawford, Farrington, Frederick, Hoytenga, Filler, Hall, Wendzel, Chirkun, Liberati, Cambensy, Jones, Garza and Cynthia Neeley

Nays: None

The bill was referred to the Committee on Ways and Means.

The Committee on Regulatory Reform, by Rep. Webber, Chair, referred

**House Bill No. 5340, entitled**

A bill to amend 1995 PA 29, entitled “Uniform unclaimed property act,” by amending section 36 (MCL 567.256), as amended by 2016 PA 312.  
to the Committee on Ways and Means.

Favorable Roll Call

To Refer:

Yeas: Reps. Webber, Berman, Crawford, Farrington, Frederick, Hoitenga, Filler, Hall, Wendzel, Chirkun, Liberati, Cambensy, Jones, Garza and Cynthia Neeley

Nays: None

The bill was referred to the Committee on Ways and Means.

The Committee on Regulatory Reform, by Rep. Webber, Chair, referred

**House Bill No. 5407, entitled**

A bill to require certain standards for smoke alarm and certain other devices; and to prohibit certain conduct.  
to the Committee on Ways and Means with the recommendation that the substitute (H-1) be adopted.

Favorable Roll Call

To Refer:

Yeas: Reps. Webber, Berman, Crawford, Frederick, Filler, Wendzel, Chirkun, Liberati, Cambensy, Jones, Garza and Cynthia Neeley

Nays: None

The bill and substitute were referred to the Committee on Ways and Means.

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Webber, Chair, of the Committee on Regulatory Reform, was received and read:

Meeting held on: Wednesday, May 13, 2020

Present: Reps. Webber, Berman, Crawford, Farrington, Frederick, Hoitenga, Filler, Hall, Wendzel, Chirkun, Liberati, Cambensy, Jones, Garza and Cynthia Neeley

The Committee on Transportation, by Rep. O’Malley, Chair, referred

**House Bill No. 4970, entitled**

A bill to amend 1951 PA 51, entitled “An act to provide for the classification of all public roads, streets, and highways in this state, and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to provide for the deposits in the Michigan transportation fund of specific taxes on motor vehicles and motor vehicle fuels; to provide for the allocation of funds from the Michigan transportation fund and the use and administration of the fund for transportation purposes; to promote safe and efficient travel for motor vehicle drivers, bicyclists, pedestrians, and other legal users of roads, streets, and highways; to set up and establish the truck safety fund; to provide for the allocation of funds from the truck safety fund and administration of the fund for truck safety purposes; to set up and establish the Michigan truck safety commission; to establish certain standards for road contracts for certain businesses; to provide for the continuing review of transportation needs within the state; to authorize the state transportation commission, counties, cities, and villages to borrow money, issue bonds, and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for the limitations, payment, retirement, and security of the bonds and pledges; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund, local bridge fund, comprehensive transportation fund, and certain other funds; to provide for the deposits in the state trunk line fund, critical bridge fund, comprehensive transportation fund, and certain other funds of money raised by specific taxes and fees; to provide for definitions of public transportation functions and criteria; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation

fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and functions of certain advisory entities; to provide for conditions for grants; to provide for the issuance of bonds and notes for transportation purposes; to provide for the powers and duties of certain state and local agencies and officials; to provide for the making of loans for transportation purposes by the state transportation department and for the receipt and repayment by local units and agencies of those loans from certain specified sources; and to repeal acts and parts of acts," (MCL 247.651 to 247.675) by adding section 12d.

to the Committee on Ways and Means with the recommendation that the substitute (H-1) be adopted.

#### Favorable Roll Call

#### To Refer:

Yeas: Reps. O'Malley, Eisen, Cole, Sheppard, Alexander, Bellino, Howell and Afendoulis

Nays: Reps. Sneller, Clemente, Haadsma and Shannon

The bill and substitute were referred to the Committee on Ways and Means.

#### COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. O'Malley, Chair, of the Committee on Transportation, was received and read:

Meeting held on: Tuesday, May 19, 2020

Present: Reps. O'Malley, Eisen, Cole, Sheppard, Alexander, Bellino, Howell, Afendoulis, Sneller, Clemente, Haadsma and Shannon

Absent: Rep. Yancey

Excused: Rep. Yancey

The Committee on Judiciary, by Rep. Filler, Chair, reported

#### **House Bill No. 5700, entitled**

A bill to amend 2016 PA 281, entitled "Medical marihuana facilities licensing act," by amending sections 102 and 402 (MCL 333.27102 and 333.27402), section 102 as amended by 2019 PA 3 and section 402 as amended by 2018 PA 582.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

#### Favorable Roll Call

#### To Report Out:

Yeas: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra and Bolden

Nays: None

The Committee on Judiciary, by Rep. Filler, Chair, reported

#### **Senate Bill No. 70, entitled**

A bill to create the address confidentiality program; to provide certain protections for victims of domestic violence, sexual assault, stalking, or human trafficking and for certain other individuals; to prescribe duties and responsibilities of certain state departments; to require the promulgation of rules; to create a fund; to prohibit the disclosure of certain information and obtaining a certification under this act by fraud; and to prescribe penalties.

With the recommendation that the substitute (H-2) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills.

#### Favorable Roll Call

#### To Report Out:

Yeas: Reps. Filler, Farrington, Howell, Steven Johnson, Rendon, Wozniak, LaGrand, Guerra, Elder and Bolden

Nays: None

The Committee on Judiciary, by Rep. Filler, Chair, reported

**Senate Bill No. 71, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 509q, 759, and 761 (MCL 168.509q, 168.759, and 168.761), section 509q as amended by 2012 PA 586 and sections 759 and 761 as amended by 2018 PA 603, and by adding sections 499b and 735a.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Filler, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder and Bolden

Nays: None

The Committee on Judiciary, by Rep. Filler, Chair, reported

**Senate Bill No. 72, entitled**

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1136 (MCL 380.1136), as added by 2016 PA 367.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Filler, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder and Bolden

Nays: None

The Committee on Judiciary, by Rep. Filler, Chair, reported

**Senate Bill No. 73, entitled**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 40b, 307, 310, and 314 (MCL 257.40b, 257.307, 257.310, and 257.314), section 40b as amended by 2012 PA 498, section 307 as amended by 2018 PA 604, section 310 as amended by 2018 PA 177, and section 314 as amended by 2011 PA 159, and by adding section 310f.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Filler, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder and Bolden

Nays: None

The Committee on Judiciary, by Rep. Filler, Chair, reported

**Senate Bill No. 74, entitled**

A bill to amend 2008 PA 23, entitled "Enhanced driver license and enhanced official state personal identification card act," by amending section 4 (MCL 28.304), as amended by 2018 PA 47.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Filler, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder and Bolden

Nays: None

The Committee on Judiciary, by Rep. Filler, Chair, reported

**Senate Bill No. 75, entitled**

A bill to amend 1972 PA 222, entitled "An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes," by amending sections 1, 1a, and 2 (MCL 28.291, 28.291a, and 28.292), section 1 as amended by 2018 PA 605, section 1a as amended by 2008 PA 31, and section 2 as amended by 2018 PA 669, and by adding section 2a.

With the recommendation that the substitute (H-1) be adopted and that the bill then pass.

The bill and substitute were referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Filler, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder and Bolden

Nays: None

The Committee on Judiciary, by Rep. Filler, Chair, reported

**Senate Bill No. 76, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 916 and 1307a (MCL 600.916 and 600.1307a), section 916 as amended by 2000 PA 112 and section 1307a as amended by 2012 PA 69.

Without amendment and with the recommendation that the bill pass.

The bill was referred to the order of Second Reading of Bills.

Favorable Roll Call

To Report Out:

Yeas: Reps. Filler, Farrington, Howell, Steven Johnson, Rendon, Wozniak, LaGrand, Guerra, Elder and Bolden

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Filler, Chair, of the Committee on Judiciary, was received and read:

Meeting held on: Tuesday, May 19, 2020

Present: Reps. Filler, LaFave, Farrington, Howell, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra, Elder and Bolden

Absent: Rep. Yancey

Excused: Rep. Yancey

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Hernandez, Chair, of the Committee on Appropriations, was received and read:

Meeting held on: Tuesday, May 19, 2020

Present: Reps. Hernandez, Miller, Sheppard, Albert, Allor, Brann, VanSingel, Whiteford, Yaroch, Bollin, Glenn, Green, Huizenga, Lightner, Maddock, Slagh, VanWoerkom, Hoadley, Love, Peterson, Sabo, Anthony, Brixie, Cherry, Hood, Kennedy and Tate

Absent: Reps. Pagan and Hammoud

Excused: Reps. Pagan and Hammoud



## Messages from the Governor

The following message from the Governor was received May 13, 2020 and read:

### EXECUTIVE ORDER

No. 2020-83

#### Expanding child care access during the COVID-19 pandemic

##### Rescission of Executive Order 2020-51

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401 et seq., and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31 et seq.

Since then, the virus spread across Michigan, bringing deaths in the thousands, confirmed cases in the tens of thousands, and deep disruption to this state's economy, homes, and educational, civic, social, and religious institutions. On April 1, 2020, in response to the widespread and severe health, economic, and social harms posed by the COVID-19 pandemic, I issued Executive Order 2020-33. This order expanded on Executive Order 2020-4 and declared both a state of emergency and a state of disaster across the State of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, and the Emergency Powers of the Governor Act of 1945. And on April 30, 2020, finding that COVID-19 had created emergency and disaster conditions across the State of Michigan, I issued Executive Order 2020-67 to continue the emergency declaration under the Emergency Powers of the Governor Act, as well as Executive Order 2020-68 to issue new emergency and disaster declarations under the Emergency Management Act.

The Emergency Management Act vests the governor with broad powers and duties to "cop[e] with dangers to this state or the people of this state presented by a disaster or emergency," which the governor may implement through "executive orders, proclamations, and directives having the force and effect of law." MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945 provides that, after declaring a state of emergency, "the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control." MCL 10.31(1).

To respond effectively to the urgent and steep demands created by this pandemic, providers of health care, emergency medical services, law enforcement, and other essential services require child care services for their children, particularly when schools are closed. The general public needs expanded access to child care during this crisis as well. Meeting this critical need requires swiftly but safely expanding access to child care services. To that end, it is reasonable and necessary to provide temporary and limited relief from certain regulatory restrictions regarding child care services, and to facilitate the use of certain property for those services.

Executive Order 2020-16 provided that expanded access. Executive Order 2020-51 clarified the scope of that expansion and extended its duration. This order extends that duration further, as it remains reasonable and necessary to suppress the spread of COVID-19 and protect the public health and safety of this state and its residents. With this order, Executive Order 2020-51 is rescinded.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. Strict compliance with section 7a of the Child Care Organizations Act, 1973 PA 116, as amended, MCL 722.117a, is suspended as follows:
  - (a) A provisional license may be issued without submission to the Department of Licensing and Regulatory Affairs ("LARA") of an acceptable plan to overcome the deficiency present in the child care organization within the time limitations of the provisional licensing period.
  - (b) A provisional license may be issued with an expiration date no earlier than one month after the date of issuance and no later than six months after the date of issuance, and may be renewed at the discretion of LARA until the end of the declared states of emergency and disaster.

2. Strict compliance with subsection (2) of section 5m of the Child Care Organizations Act, 1973 PA 116, as amended, MCL 722.115m(2), is suspended, as follows:
  - (a) An employer may establish and maintain a disaster relief child care center without a license from LARA.
  - (b) A school district or a nonpublic school may establish and maintain a disaster relief child care center in a school building without a license from LARA.
3. LARA must issue rules and/or orders governing disaster relief child care centers.
  - (a) A disaster relief child care center must comply with the requirements imposed by any LARA rules and orders governing disaster relief child care centers.
  - (b) Such rules and/or orders must, at a minimum, require that disaster relief child care centers follow the safe sleep guidelines, including appropriate sleeping equipment for children under 12 months of age; follow applicable guidelines for diapering, handwashing, and sanitizing; provide porta-cribs, cots, or mats for children older than twelve months to sleep or rest; and solicit information about, and communicate with parents and guardians regarding, a child's medicine, allergies, including food allergies; and other special needs.
4. Disaster relief child care centers may operate in any school facilities operated by a school district or nonpublic school that are closed and are approved for student use. Early childhood staff, student teachers, teachers, and individuals who provide before and after care may provide child care in these settings. The Michigan Department of Education ("MDE") is authorized to credit the hours that student teachers work toward teacher preparation graduation requirements and MDE licensure requirements.
5. Rule 400.8110(5) of the Michigan Administrative Code is suspended for disaster relief child care centers. Notice of any change in capacity and age groups must be provided to LARA.
6. A disaster relief child care center operated by a school district in accordance with section 2(b) of this order, including its employees, is designated as a disaster relief force under subsection (f) of section 2 of the Emergency Management Act, 1976 PA 390, as amended ("EMA"), MCL 30.402(f), and is entitled to the immunities set forth in subsections (1) through (3) of section 11 of the EMA, MCL 30.411(1)-(3).
7. Disaster relief child care centers operated by school districts constitute a pilot program under the Public Employment Relations Act, 1947 PA 336, MCL 423.201 et seq., and they have authority to charge for reasonable and customary services.
8. School districts and nonpublic schools should first identify employees who voluntarily elect to become a disaster relief child care center participant before reassigning other employees to work in these centers, to the extent authorized under applicable contracts and laws. School districts and nonpublic schools may not require an employee to work in a disaster relief child care center if the employee: has a confirmed diagnosis of COVID-19; is displaying the symptoms of COVID-19; is 60 years or older; has an underlying condition that places the employee at an elevated risk of serious illness from COVID-19; or has been in contact with someone with a confirmed diagnosis of COVID-19 in the last 14 days.
9. A disaster relief child care center must perform a health evaluation of all individuals who enter the center each time the individual seeks to enter the center, and must deny entry to those individuals who do not meet the evaluation criteria. The evaluation criteria must include: symptoms of a respiratory infection, such as fever, cough, or shortness of breath; and contact in the last 14 days with someone with a confirmed diagnosis of COVID-19.
10. For purposes of this order:
  - (a) "Disaster relief child care center" means a child center offering child care pursuant to this order. A disaster relief child care center must give priority for its services to the essential workforce, but may also provide child care services to the general public as space and governing rules and/or orders permit.
  - (b) "Essential workforce" includes health care workers, home health workers, direct care workers, emergency medical service providers, first responders, law enforcement personnel, sanitation workers, child care workers (including any employees acting as child care workers in disaster relief child care centers), personnel providing correctional services, postal workers, public health employees, key government employees, court personnel, and others providing critical infrastructure to Michiganders, including any individuals performing (remotely or in person) critical infrastructure work, necessary government activities, or minimum basic operations under Executive Order 2020-42 or any order that may follow from it.
  - (c) "Critical infrastructure" includes utilities, manufacturing, mass transit, and groceries or other essential supplies, goods, or equipment.

- (d) “Key government employees” includes child protective services workers, child welfare workers, foster care workers including those from contracted agencies, recipient rights workers, employees of the Executive Office of the governor, cabinet officers and their designees, Department of Health and Human Services field office staff, Unemployment Insurance Agency employees, and other employees identified by the Department of Technology, Management, and Budget.

11. Nothing in this order shall be construed to diminish or relax in any way the restrictions and requirements imposed by Executive Order 2020-77 or any order that may follow from it.

12. This order is effective immediately and continues through June 10, 2020.

13. Consistent with MCL 10.33 and MCL 30.405(3), a willful violation of this order is a misdemeanor.

14. Executive Order 2020-51 is rescinded.

Given under my hand and the Great Seal of the State of Michigan.

Date: May 13, 2020

Time: 9:45 pm

[SEAL]

GRETCHEN WHITMER  
GOVERNOR

By the Governor:

JOCELYN BENSON

SECRETARY OF STATE

The message was referred to the Clerk.

The following message from the Governor was received May 15, 2020 and read:

**EXECUTIVE ORDER**

**No. 2020-84**

**Enhanced protections for residents and staff of long-term care facilities during the COVID-19 pandemic**

**Rescission of Executive Order 2020-50**

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401 et seq., and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31 et seq.

Since then, the virus spread across Michigan, bringing deaths in the thousands, confirmed cases in the tens of thousands, and deep disruption to this state’s economy, homes, and educational, civic, social, and religious institutions. On April 1, 2020, in response to the widespread and severe health, economic, and social harms posed by the COVID-19 pandemic, I issued Executive Order 2020-33. This order expanded on Executive Order 2020-4 and declared both a state of emergency and a state of disaster across the State of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, and the Emergency Powers of the Governor Act of 1945. And on April 30, 2020, finding that COVID-19 had created emergency and disaster conditions across the State of Michigan, I issued Executive Order 2020-67 to continue the emergency declaration under the Emergency Powers of the Governor Act, as well as Executive Order 2020-68 to issue new emergency and disaster declarations under the Emergency Management Act.

The Emergency Management Act vests the governor with broad powers and duties to “cop[e] with dangers to this state or the people of this state presented by a disaster or emergency,” which the governor may implement through “executive orders, proclamations, and directives having the force and effect of law.” MCL 30.403(1)–(2). Similarly, the Emergency Powers of the Governor Act of 1945 provides that, after declaring a state of emergency, “the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control.” MCL 10.31(1).

The COVID-19 pandemic poses a particularly dire threat to the health and safety of both residents and employees of long-term care facilities. To mitigate the spread of COVID-19, protect the public health, and provide essential protections to vulnerable Michiganders, it is crucial to limit in-person contact as much as possible and, for those in-person services and interactions that must occur, to engage in social distancing and other mitigation practices. For the residents of long-term care facilities to receive the care they need, however, the residents and staff of the facilities must share close quarters and interact in person regularly, and limitations on access to personal protective equipment only make it more difficult for these in-person interactions to be carried out safely. Due to the nature of the care provided in long-term care facilities and the vulnerable status of their residents, the risk of harm posed by a single positive case of COVID-19 to the entire facility—residents and staff—is inordinately high. As a result, it is reasonable and necessary to afford limited and temporary relief from certain rules and procedures so as to provide enhanced protections for residents and employees of long-term care facilities during this unprecedented crisis.

Executive Order 2020-50 provided that limited and temporary relief. This order extends the duration of that relief because it remains necessary to suppress the spread of COVID-19 and protect the public health and safety of this state and its residents.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

**I. Protections for residents of long-term care facilities**

1. Notwithstanding any statute, rule, regulation, or policy to the contrary, a long-term care facility must not effectuate an eviction or involuntary discharge against a resident for nonpayment, nor deny a resident access to the facility, except as otherwise provided in this order.
2. A long-term care facility must not prohibit admission or readmission of a resident based on COVID-19 testing requirements or results in a manner that is inconsistent with relevant guidance issued by the Department of Health and Human Services (“DHHS”).
3. The following apply to a resident that obtained housing outside of a long-term care facility, including but not limited to living with a family member, during the declared states of emergency and disaster:
  - (a) The resident does not forfeit any right to return that would have been provided to the resident under state or federal law had they been hospitalized or placed on therapeutic leave.
  - (b) The long-term care facility of origin must accept the return of the resident, provided it can meet the medical needs of the resident and there are no statutory grounds to refuse the return, as soon as capacity allows.
  - (c) Prior to accepting the return of such a resident, the long-term care facility must undertake screening precautions that are consistent with relevant DHHS guidance when receiving the returning resident.
4. Nothing in this order abrogates the obligation to pay or right to receive payment due under an admission contract between a resident and a long-term care facility.
5. All long-term care facilities must use best efforts to facilitate the use of telemedicine in the care provided to their residents, including, but not limited to, for regular doctors’ visits, telepsychology, counseling, social work and other behavioral health visits, and physical and occupational therapy.

**II. Protections for employees and residents of long-term care facilities**

1. It is the public policy of this state that employees of long-term care facilities or regional hubs who test positive for COVID-19 or who display one or more of the principal symptoms of COVID-19 should remain in their homes or places of residence, as provided in section 2 of Executive Order 2020-36 or any order that may follow from it, and that their employers shall not discharge, discipline, or otherwise retaliate against them for doing so, as provided in section 1 of Executive Order 2020-36 or any order that may follow from it.
2. Long-term care facilities must:
  - (a) Cancel all communal dining and all internal and external group activities throughout the duration of the declared states of emergency and disaster;
  - (b) Take all necessary precautions to ensure the adequate disinfecting and cleaning of facilities, in accordance with relevant guidance from the Centers for Disease Control and Prevention (“CDC”);
  - (c) Use best efforts to provide appropriate personal protective equipment (“appropriate PPE”) and hand sanitizer to all employees that interact with residents;
  - (d) As soon as reasonably possible, but no later than 12 hours after identification, inform employees of the presence of a COVID-19-affected resident;
  - (e) Notify employees of any changes in CDC recommendations related to COVID-19;
  - (f) Keep accurate and current data regarding the quantity of each type of appropriate PPE available onsite, and report such data to EMResource upon DHHS’s request or in a manner consistent with DHHS guidance; and

- (g) Report to DHHS all presumed positive COVID-19 cases in the facility together with any additional data required under DHHS guidance.

### **III. Procedures related to transfers and discharges of COVID-19-affected residents**

1. A long-term care facility must report the presence of a COVID-19-affected resident to their local health department within 24 hours of identification.
2. A long-term care facility must transfer a COVID-19-affected resident who is medically unstable to a hospital for evaluation.
3. A nursing home with a census below 80% must create a unit dedicated to the care of COVID-19-affected residents (“dedicated unit”) and must provide appropriate PPE, as available, to direct-care employees who staff the dedicated unit. A nursing home provider that operates multiple facilities may create a dedicated unit by dedicating a facility for such a purpose.
4. A long-term care facility must adhere to the following protocol with respect to a COVID-19-affected resident who is medically stable:
  - (a) If the long-term care facility has a dedicated unit and provides appropriate PPE to the direct-care employees who staff the dedicated unit, the facility must transfer the COVID-19-affected resident to its dedicated unit.
  - (b) If the long-term care facility does not have a dedicated unit or does not provide appropriate PPE to the direct-care employees who staff the dedicated unit, it must transfer the COVID-19-affected resident to a regional hub, if one is available to accept the resident. If no regional hub is available to accept the transfer of the COVID-19-affected resident, the long-term care facility must attempt to send the resident to a hospital within the state that has available bed capacity. If no hospital will admit the COVID-19-affected resident, the long-term care facility must transfer the resident to an alternate care facility.
5. Once a long-term care facility resident who has been hospitalized due to onset of one or more of the principal symptoms of COVID-19 becomes medically stable and eligible for discharge in the judgment of the resident’s medical providers, a hospital must discharge the resident in accordance with the following protocol:
  - (a) If the long-term care facility where the resident resided prior to the onset of one or more of the principal symptoms of COVID-19 (“facility of residence”) has a dedicated unit and provides appropriate PPE to the direct-care employees who staff the dedicated unit, the hospital must discharge the resident to their facility of residence for placement in the dedicated unit, provided there is available bed capacity.
  - (b) If a discharge in accordance with section 5(a) of this part is not available, the hospital must discharge the resident to a regional hub, provided there is available bed capacity.
  - (c) If a discharge in accordance with section 5(a) or 5(b) of this part is not available, the hospital must transfer the resident to any alternate care facility with available bed capacity in accordance with the following protocol:
    - (1) Any alternate care facility within the state that has available bed capacity to receive the resident must accept a transfer authorized by this order.
    - (2) An alternate care facility must discharge a long-term care facility resident to the facility of residence as soon as capacity allows. If the facility of residence lacks available capacity, the alternate care facility must transfer the resident to a regional hub. If a regional hub receives a resident under this part, it must transfer the resident to the facility of residence as soon as capacity allows.
6. For any transfer or discharge of a resident, the transferring or discharging entity must ensure that the resident’s advance directive accompanies the resident and must disclose the existence of any advance directive to medical control at the time medical control assistance is requested.
7. Any long-term care facility that has a dedicated unit and provides appropriate PPE to the direct-care employees who staff the dedicated unit must admit anyone that it would normally admit as a resident, regardless of whether the individual has recently been discharged from a hospital treating COVID-19 patients.
8. A long-term care facility that transfers or discharges a resident in accordance with this order must notify the resident and the resident’s representative of the transfer or discharge as soon as practicable.
9. A transfer or discharge of a long-term care facility resident that is made in accordance with this order constitutes a transfer or discharge mandated by the physical safety of other facility residents and employees as documented in the clinical record, for purposes of section 21773(2)(b) of the Public Health Code, 1978 PA 368, as amended, MCL 333.21773(2)(b), and constitutes a transfer or discharge that is necessary to prevent the health and safety of individuals in the facility from being endangered, for purposes of 42 CFR 483.15(c)(1)(i)(C)-(D) and (c)(4)(ii)(A)-(B).

10. To the extent necessary to effectuate this terms of this order, strict compliance with any statute, rule, regulation, or policy pertaining to bed hold requirements or procedures, or to pre-transfer or pre-discharge requirements or procedures, is temporarily suspended. This includes, but is not limited to, strict compliance with the requirements and procedures under sections 20201(3)(e), 21776, 21777(1), and 21777(2) of the Public Health Code, MCL 333.20201(3)(e), MCL 333.21773(2), MCL 333.21776, MCL 333.21777(1), and MCL 333.21777(2), as well as Rules 325.1922(13)-(16), 400.1407(12), 400.2403(9), and 400.15302 of the Michigan Administrative Code.

**IV. Definitions and general provisions**

- 1. For purposes of this order:
  - (a) "Adult foster care facility" has the same meaning as provided by section 3(4) of the Adult Foster Care Facility Licensing Act, 1979 PA 218, as amended, MCL 400.703(4).
  - (b) "Alternate care facility" means any facility activated by the state to provide relief for hospitals that surge past their capacity, including but not limited to the TCF Regional Care Center.
  - (c) "Appropriate PPE" means the PPE that DHHS recommends in relevant guidance.
  - (d) "COVID-19-affected resident" means a resident of a long-term care facility who is COVID-19 positive, who is a person under investigation, or who displays one or more of the principal symptoms of COVID-19.
  - (e) "Home for the aged" has the same meaning as provided by section 20106(3) of the Public Health Code, MCL 333.20106(3).
  - (f) "Long-term care facility" means a nursing home, home for the aged, adult foster care facility, or assisted living facility.
  - (g) "Medically unstable" means a change in mental status or a significant change or abnormality in blood pressure, heart rate, oxygenation status, or laboratory results that warrants emergent medical evaluation.
  - (h) "Nursing home" has the same meaning as provided by section 20109(1) of the Public Health Code, MCL 333.20109(1).
  - (i) "Person under investigation" means a person who is currently under investigation for having the virus that causes COVID-19.
  - (j) "Principal symptoms of COVID-19" are fever, atypical cough, or atypical shortness of breath.
  - (k) "Regional hub" means a nursing home that is designated by DHHS as a dedicated facility to temporarily and exclusively provide care to COVID-affected residents.
- 2. DHHS may issue orders and directives, and take any other actions pursuant to law, to implement this executive order.
- 3. This order is effective immediately and continues through May 20, 2020.
- 4. Executive Order 2020-50 is rescinded.
- 5. Consistent with MCL 10.33 and MCL 30.405(3), a willful violation of this order is a misdemeanor.

Given under my hand and the Great Seal of the State of Michigan.

Date: May 13, 2020

Time: 9:54 pm

[SEAL]

GRETCHEN WHITMER  
GOVERNOR

By the Governor:  
JOCELYN BENSON  
SECRETARY OF STATE

The message was referred to the Clerk.

The following message from the Governor was received May 14, 2020 and read:

**EXECUTIVE ORDER**

**No. 2020-85**

**Temporary prohibition against entry to premises for the purpose of removing or excluding a tenant or mobile home owner from their home**

**Rescission of Executive Order 2020-54**

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401 et seq., and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31 et seq.

Since then, the virus spread across Michigan, bringing deaths in the thousands, confirmed cases in the tens of thousands, and deep disruption to this state's economy, homes, and educational, civic, social, and religious institutions. On April 1, 2020, in response to the widespread and severe health, economic, and social harms posed by the COVID-19 pandemic, I issued Executive Order 2020-33. This order expanded on Executive Order 2020-4 and declared both a state of emergency and a state of disaster across the State of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, and the Emergency Powers of the Governor Act of 1945. And on April 30, 2020, finding that COVID-19 had created emergency and disaster conditions across the State of Michigan, I issued Executive Order 2020-67 to continue the emergency declaration under the Emergency Powers of the Governor Act, as well as Executive Order 2020-68 to issue new emergency and disaster declarations under the Emergency Management Act.

The Emergency Management Act vests the governor with broad powers and duties to "cop[e] with dangers to this state or the people of this state presented by a disaster or emergency," which the governor may implement through "executive orders, proclamations, and directives having the force and effect of law." MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945 provides that, after declaring a state of emergency, "the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control." MCL 10.31(1).

The current states of emergency and disaster would be exacerbated by the additional threats to the public health related to removing or excluding people from their residences during the COVID-19 pandemic. To reduce the spread of COVID-19, protect the public health, and provide essential protections to vulnerable Michiganders, it is reasonable and necessary to provide temporary relief from certain eviction-related requirements and to temporarily prohibit the removal or exclusion of a tenant or mobile home owner from their residential premises, except in extreme circumstances.

Executive Order 2020-19 provided such relief. Executive Order 2020-54 clarified that relief and extended its duration. This order extends that relief further, as it remains reasonable and necessary to suppress the spread of COVID-19 and protect the public health and safety of this state and its residents. With this order, Executive Order 2020-54 is rescinded.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. Due to the protection that a residential home provides from the COVID-19 pandemic, and the need to contain self-quarantined and self-isolated individuals within a residential home, no person shall remove or exclude from leased residential premises or residential premises held under a forfeited executory contract a tenant, a vendee of a forfeited executory contract, or a person holding under a tenant or vendee, except when the tenant, vendee, or person holding under them poses a substantial risk to another person or an imminent and severe risk to property. This order should be broadly construed to effectuate that purpose. This section is effective immediately and continues until June 11, 2020 at 11:59 pm.
2. Nothing in this order is intended to abrogate the judicial power, which is vested exclusively in this state's one court of justice by section 1 of article 6 of the Michigan Constitution of 1963. This order does not affect the inherent power of a judge to order equitable relief.
3. Nothing in this order shall be construed to abrogate the obligation to pay or right to receive payment due under a lease or executory contract, nor to prohibit a landlord or vendor from making a demand for payment. Any demand for rent or executory contract payment, however, must not include a demand for possession or notice of forfeiture of executory contract, or other threat of eviction or forfeiture, based on the nonpayment of rent or executory contract obligation. Effective immediately and continuing until June 11, 2020 at 11:59 pm, any service of a demand for payment may not be made by personal delivery.
4. Due to the protection that a residential home provides from the COVID-19 pandemic, and the need to contain self-quarantined and self-isolated individuals within a residential home, no person may enter residential property in order to remove or exclude from the premises a tenant, a vendee of a forfeited executory contract, a person holding under a tenant or vendee, or the personal property of a tenant, vendee, or person holding under them, including pursuant to a writ authorizing restoration of a plaintiff to full, peaceful possession of premises under section 5744 of the RJA, MCL 600.5744, except when the tenant, vendee, or person holding under them poses a substantial risk to another person or an imminent and severe risk to property. This section is effective immediately and continues until June 11, 2020 at 11:59 pm.

- 5. Due to the protection that a residential home provides from the COVID-19 pandemic, and the need to contain self-quarantined and self-isolated individuals within a residential home, a sheriff, under-sheriff or constable, deputy, or other officer must not serve process requiring forfeiture of leased residential premises or residential premises held under a forfeited executory contract. Any requirements to that effect imposed by the RJA are suspended. This section is effective immediately and continues until June 11, 2020 at 11:59 pm.
- 6. Due to the protection that a residential home provides from the COVID-19 pandemic, and the need to contain self-quarantined and self-isolated individuals within a residential home, no person may deny a mobile home owner access to their mobile home, except when the mobile home owner’s tenancy has been terminated because the mobile home owner poses a substantial risk to another person or an imminent and severe risk to property. This section is effective immediately and continues until June 11, 2020 at 11:59 pm.
- 7. Until 30 days after the restrictions on eviction provided by sections 1 through 6 expire, any statutory limits on the court of this state to adjourn any proceedings, toll any redemption periods or limitations periods, or extend any deadlines are suspended.
- 8. As used in this order, all terms have the meaning provided by the Revised Judicature Act of 1961, 1961 PA 236, as amended.
- 9. Executive Order 2020-54 is rescinded.
- 10. Consistent with MCL 10.33 and MCL 30.405(3), a willful violation of this order is a misdemeanor.
- 11. A copy of this order will be transmitted to the State Court Administrative Office.

Given under my hand and the Great Seal of the State of Michigan.

Date: May 14, 2020

Time: 9:05 pm

[SEAL]

GRETCHEN WHITMER  
 GOVERNOR  
 By the Governor:  
 JOCELYN BENSON  
 SECRETARY OF STATE

The message was referred to the Clerk.

The following message from the Governor was received May 14, 2020 and read:

**EXECUTIVE ORDER**

**No. 2020-86**

**Encouraging the use of telehealth services during the COVID-19 emergency**

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401 et seq., and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31 et seq.

Since then, the virus spread across Michigan, bringing deaths in the thousands, confirmed cases in the tens of thousands, and deep disruption to this state’s economy, homes, and educational, civic, social, and religious institutions. On April 1, 2020, in response to the widespread and severe health, economic, and social harms posed by the COVID-19 pandemic, I issued Executive Order 2020-33. This order expanded on Executive Order 2020-4 and declared both a state of emergency and a state of disaster across the State of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, and the Emergency Powers of the Governor Act of 1945. And on April 30, 2020, finding that COVID-19 had created emergency and disaster conditions across the State of Michigan, I issued Executive Order 2020-67 to continue the emergency declaration under the Emergency Powers of the Governor Act, as well as Executive Order 2020-68 to issue new emergency and disaster declarations under the Emergency Management Act.

The Emergency Management Act vests the governor with broad powers and duties to “cop[e] with dangers to this state or the people of this state presented by a disaster or emergency,” which the governor may implement through “executive orders, proclamations, and directives having the force and effect of law.” MCL 30.403(1)–(2). Similarly, the Emergency Powers of the Governor Act of 1945 provides that, after



declaring a state of emergency, “the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control.” MCL 10.31(1).

To promote use of telehealth, the U.S. Department of Health and Human Services Office for Civil Rights is exercising its enforcement discretion and will not impose penalties for noncompliance with HIPAA Rules against covered health providers in connection with the good-faith provision of telehealth services using non-public facing audio or video communication products during the COVID-19 national public health emergency. Moreover, the Centers for Disease Control and Prevention have issued guidance encouraging healthcare systems to use telehealth services when feasible to reduce the risk of transmission of COVID-19.

Telehealth provides a way for patients to obtain needed health services while observing social distancing. It is a means to limit potential exposure to COVID-19 and is currently permitted under Michigan law. In order to suppress the spread of COVID-19 and protect the public health and safety of this state and its residents, it is therefore reasonable and necessary to enable the use of telehealth services in new contexts and encourage expansion of telehealth services through other means.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. All health care providers are authorized and encouraged to use telehealth services when medically appropriate and upon obtaining patient consent. To facilitate the provision of telehealth services:
  - (a) Written consent for treatment is not required. A health care provider may obtain verbal consent for telehealth services and must document such consent in the patient’s file before providing telehealth services.
  - (b) Health care providers engaging in telehealth services may use asynchronous store-and-forward technology for the transmission of medical information. Providers may use interactive, real-time, two-way audio in combination with asynchronous store-and-forward technology.
  - (c) Remote patient monitoring, which may or may not take place in real-time, may be conducted as part of telehealth services. As used in this order, “remote patient monitoring” means digital technology to collect medical and other forms of health data from an individual in 1 location and electronically transmit that information via a health insurance portability and accountability act of 1996, Public 104-191 (HIPAA) compliant, secure system to a health care provider in a different location for assessment and recommendations. Remote patient monitoring includes assessment, observation, education, and virtual visits, including by home health care providers.
  - (d) A physician is not required to conduct an in-person examination before prescribing medication or ordering the administration of medication, including controlled substances except for methadone.
  - (e) Strict compliance with MCL 500.3476 is suspended only to the extent necessary to effectuate this section.
2. Healthy Michigan and private insurance carriers are authorized and encouraged to reimburse for telehealth services. To facilitate reimbursement of telehealth services:
  - (a) Insurance carriers must cover virtual check-ins and e-visits and must not impose any additional requirements inconsistent with guidance issued by the Centers for Medicare and Medicaid Services on March 17, 2020. The Director of the Department of Insurance and Financial Services may issue orders or guidance to implement this subsection.
  - (b) Telehealth services are covered under the Michigan Medicare/Medicaid Assistance Program and Healthy Michigan Plan if the originating site is an in-home setting or any other originating site allowed in the Medicaid Provider Manual or considered appropriate by the provider. For purposes of this order, “originating site” means the location of the eligible beneficiary at the time the service being furnished by a telecommunications system occurs.
3. Health care providers must abide by applicable guidance issued by the Substance Abuse and Mental Health Services Administration (“SAMHSA”), the Centers for Medicare and Medicaid Services (“CMS”), Centers for Disease Control and Prevention (“CDC”), and the Drug Enforcement Agency (“DEA”) when providing telehealth services. Strict compliance with Rules of the Michigan Administrative Code that apply to substance use disorder services programs licensed under part 62 of the Public Health Code, 1978 PA 368, as amended, MCL 333.6230 et seq., is temporarily suspended only to the extent necessary to effectuate this section.
4. A controlled substance license issued under part 73 of the Public Health Code, MCL 333.7301 et seq., is sufficient to authorize a licensee to prescribe, administer, or dispense a controlled substance to treat a drug-dependent person enrolled in a drug treatment and rehabilitation program, regardless of whether the program is in-patient, out-patient, office-based, or another format. Strict compliance with article 7 of the Public Health Code, 1978 PA 368, as amended, MCL 333.7101 et seq., and Rules 338.3132(1)(f), 338.3163(1)(a), and 338.3170(2) of the Michigan Administrative Code is suspended only to the extent necessary to effectuate this section.

5. Upon a determination by a health care provider that an in-person evaluation, examination, or visitation is not feasible due to the COVID-19 pandemic, the use of two-way interactive video technology or other remote participation tools shall satisfy the requirement of an in-person evaluation, examination, or visitation under article 5, part 3 of the Estates and Protected Individuals Code, MCL 700.5301 et seq., and chapters 4, 4A, 5, and 10 of the Mental Health Code, 1974 PA 258, MCL 330.1400 et seq., MCL 330.1498a et seq., MCL 330.1500 et seq., and MCL 330.2000 et seq.
6. The restrictions of MCL 500.3476 requiring telehealth services to be provided by a health care professional who is licensed, registered, or otherwise authorized to engage in his or her health care profession in the state where the patient is located is hereby suspended to the extent necessary to allow a medical professional licensed and in good standing to practice in a state other than Michigan to use telehealth when treating patients in Michigan without a license to practice medicine in Michigan. A license that has been suspended or revoked is not considered a license in good standing, and a licensee with pending disciplinary action is not considered to have a license in good standing. A license that is subject to a limitation or restriction in another state is subject to the same limitation or restriction in this state.
7. Strict compliance with sections 3(a)(1) and 3(q)(2) of the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, MCL 26423(a)(1) and (q)(2), is suspended only to the extent necessary to allow relevant medical evaluations to be conducted via telemedicine.
8. Definitions.
  - (a) As used in this order, “telehealth” has the meaning provided in section 16283(c) of the public health code, MCL 333.16283(c).
  - (b) As used in this order, “health care providers” includes health professionals licensed under articles 7 and 15 of the Public Health Code, 1978 PA 368, as amended, MCL 333.7101 et seq. and 333.16101 et seq.; “health facilities or agencies,” as that term is defined in section 20106(1) of the Public Health Code, MCL 333.20106(1); psychiatric hospitals and units licensed under section 134 of the Mental Health Code, MCL 330.1134; health care employers, state-owned surgical centers, state-operated psychiatric hospitals, state-owned facilities, state-owned veterans facilities; and substance use disorder services licensed under part 62 of the Public Health Code, MCL 333.6201 et seq.
  - (c) As used in this order, “medical professional” means a person licensed in a state other than Michigan who holds a license in that state for a profession that is licensed in article 7 or 15 of the Public Health Code, MCL 333.7101 et seq. or 333.16101 et seq.
  - (d) As used in this order, “store and forward” means the asynchronous transmission of medical information to be reviewed at a later time by a health care provider.
  - (e) As used in this order, “state” means any of the fifty sovereign American states or the District of Columbia
9. This order supersedes any order issued by a local health department to the extent that it conflicts with this order.
10. This order is effective immediately and remains in effect during any state of emergency or state of disaster arising out of the COVID-19 pandemic.

Given under my hand and the Great Seal of the State of Michigan.

Date: May 14, 2020

[SEAL]

GRETCHEN WHITMER  
GOVERNOR

By the Governor:  
JÓCELYN BENSON  
SECRETARY OF STATE

The message was referred to the Clerk.

The following message from the Governor was received May 14, 2020 and read:

**EXECUTIVE ORDER  
No. 2020-87**

**Temporary Extension of Deadlines for Boards of Review, County Equalization, and Tax Tribunal Jurisdiction**

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Michigan Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401 et seq., and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31 et seq.

In the three weeks that followed, the virus spread across Michigan, bringing deaths in the hundreds, confirmed cases in the thousands, and deep disruption to this state's economy, homes, and educational, civic, social, and religious institutions. In response to the widespread and severe health, economic, and social harms posed by the COVID-19 pandemic, I issued Executive Order 2020-33 on April 1, 2020. This order expanded on Executive Order 2020-4 and declared both a state of emergency and a state of disaster across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, and the Emergency Powers of the Governor Act of 1945.

The Emergency Management Act vests the governor with broad powers and duties to "cop[e] with dangers to this state or the people of this state presented by a disaster or emergency," which the governor may implement through "executive orders, proclamations, and directives having the force and effect of law." MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945 provides that, after declaring a state of emergency, "the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control." MCL 10.31(1).

Similarly, in response to COVID-19, some local offices have closed or limited access to government buildings and workplaces. As a result, many taxpayers have been unable to protest their 2020 property tax assessments and local units and counties are unable to conduct meetings, meet deadlines and provide the necessary filings to comply with statutory requirements.

To mitigate the spread of COVID-19, protect the public health, and provide essential protections to vulnerable Michiganders, it is reasonable and necessary to temporarily modify rules and procedures so as to extend the deadline for the protest of assessments, filing of certain required reporting from local and county officials, and filing of petitions to appeal assessment determinations.

Accordingly, acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. Strict compliance with sections 30 and 30a of the General Property Tax Act (GPTA), 1893 PA 206, as amended, MCL 211.30 and 211.30a, is suspended such that (a) any review of assessments by a city or township board of review that has been completed by the date of this order is deemed to have been timely completed; (b) a completed assessment roll for 2020 that has been delivered to a county equalization director by the date of this order is deemed to have been timely delivered; (c) in the event that the county equalization director does not receive a certified roll from a board of review, the county must equalize based on the assessment roll prepared by the assessor.
2. Strict compliance with the deadlines for county boards of commissioners set forth in section 34 of the GPTA, 1893 PA 206, as amended, MCL 211.34, and section 5 of the State Board of Equalization Act, 1911 PA 44, as amended, MCL 209.5, is temporarily suspended to allow for the following extensions of time:
  - (a) The county board of commissioners in each county must meet by May 15, 2020 to determine county equalized value. Such meetings must be conducted in a manner consistent with Executive Orders 2020-75 and 2020-77, or any executive orders on the same subjects that may follow.
  - (b) The director of the tax or equalization department must transmit a certified copy of the tabular statement in the manner required under MCL 209.5(2) to the State Tax Commission on or before May 18, 2020.
3. Strict compliance with the protest and dispute provisions set forth in sections 28, 29, 30, 30a, 34c, and 53b of the GPTA, 1893 PA 206, as amended, MCL 211.30, 211.30a, 211.34c, and 211.53b, is temporarily suspended to allow for the following modifications:
  - (a) Boards of review that were not able to complete the duties set forth in sections 28, 29, or 30 of the GPTA, MCL 211.28-30, must meet on the Tuesday following the third Monday in July to hear protests.
  - (b) In addition to purposes set forth in section 53b of the GPTA, MCL 211.53b, boards of review acting in July must also meet to hear protests under Section 30 of the GPTA, MCL 211.30, and any other matters that are properly before a March board of review under MCL 211.30. Boards of review must issue decisions on any protests under MCL 211.30 by September 1, 2020.
  - (c) Boards of review meeting in July, as described in sections 3(a) and (b), must allow a resident taxpayer to file his or her protest before the board of review by letter without a personal appearance by the taxpayer or his or her agent.
  - (d) An owner of any assessable property who disputes the classification of a particular parcel must notify the assessor and may protest the assigned classification to the board of review acting in July.

- (e) An owner or assessor may appeal the classification decision of the board of review acting in July by filing a written petition with the State Tax Commission not later than September 1, 2020.
  - (f) This order does not provide for a rehearing or reconsideration by a July board of review of a protest, request, or other property tax matter that was previously denied by a March board of review.
4. Strict compliance with the jurisdictional requirements set forth in the Tax Tribunal Act, 1973 PA 186, as amended, MCL 205.735a, is temporarily suspended to allow for the following extensions of time:
    - (a) The May 31 deadline set forth in MCL 205.735a(6) for assessment disputes as to property classified under section 34c of the GPTA as commercial real property, industrial real property, developmental real property, commercial personal property, industrial personal property, or utility personal property is extended to July 31. This order does not change or otherwise effect the July 31 deadline set forth in MCL 205.735a(6) for assessment disputes as to property classified under section 34c of the GPTA as agricultural real property, residential real property, timber-cutover real property, or agricultural personal property.
    - (b) With respect to all other matters, including assessment disputes arising out of decisions made by boards of review meeting in July in accordance with sections 3(a) and 3(b) of this order, the jurisdiction of the tribunal is invoked by a party in interest, as petitioner, filing a written petition within 35 days after the final decision, ruling, or determination.
  5. To the extent that this order creates a conflict with any deadline or other requirement set by a local unit of government’s charter or ordinances, the contents of this order control.
  6. The time extensions with respect to township and city boards of review, county boards of commissioners, and Tax Tribunal jurisdiction set forth in this order are automatic. Taxpayers and local officials do not need to file any additional forms or contact the Michigan Department of Treasury, State Tax Commission or Michigan Tax Tribunal to qualify for the above stated extensions. Boards of review meeting in July to hear protests must provide notice in the manner required under the Open Meetings Act, MCL 15.261 *et seq.*, as modified by any applicable executive order that may be in effect at the time notice is required. The provision of such notice satisfies the minimum requirements of due process.
  7. With respect to the Tax Tribunal’s obligations under the Administrative Procedures Act of 1969, 1969 PA 306, as amended, MCL 24.201 *et seq.*, and the MAHS Administrative Hearing Rules, R 792.10101 *et seq.*, paragraphs 5 and 6 of Executive Order 2020-80, or any executive orders on the same subject that may follow, modifying certain procedural requirements related to the manner in which administrative hearings are held and the manner in which notice and service of process are provided, remain applicable.
  8. This order applies only to the 2020 tax year.
  9. This order is effective immediately and shall apply retroactively to April 6, 2020.

Given under my hand and the Great Seal of the State of Michigan.

Date: May 14, 2020

Time: 9:24 pm

[SEAL]

GRETCHEN WHITMER  
 GOVERNOR  
 By the Governor:  
 JOCELYN BENSON  
 SECRETARY OF STATE

The message was referred to the Clerk.

The following message from the Governor was received May 15, 2020 and read:

**EXECUTIVE ORDER**

**No. 2020-88**

**COVID-19 Return to School Advisory Council**

**Executive Office of the Governor**

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and is easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4, which declared a state of emergency across the state of Michigan.

In the three weeks that followed, the virus spread across Michigan, bringing deaths in the hundreds, confirmed cases in the thousands, and deep disruption to this state's economy, homes, and educational, civic, social, and religious institutions. In response to the widespread and severe health, economic, and social harms posed by the COVID-19 pandemic, I issued Executive Order 2020-33 on April 1, 2020. This order expanded on Executive Order 2020-4 and declared both a state of emergency and a state of disaster across the state of Michigan.

On April 2, 2020, to protect our youngest Michiganders and educators against the spread of COVID-19, and to reduce the risk of asymptomatic spread of the virus, I ordered our public schools closed for the remainder of the school year. Michigan is now less than 100 days from the scheduled reopening of school for the 2020-2021 school year. Returning to school in the face of the COVID-19 pandemic will be a monumental task. On March 3, I announced the creation of the COVID-19 Task Force on Education and tasked it with developing and coordinating the COVID-19 response for our K-12 public schools. As we begin to plan for the K-12 school year ahead, the COVID-19 Task Force on Education should begin to develop a framework to inform K-12 districts as they operationalize plans for the 2020-2021 school year. The formation of an advisory group to identify the critical issues that must be addressed and provide valuable input to inform the process of returning to school is reasonable and necessary to ensure a smooth and safe transition back to school.

Section 1 of article 5 of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the governor.

Section 8 of article 5 of the Michigan Constitution of 1963 places each principal department of state government under the supervision of the governor unless otherwise provided.

Section 8 of article 5 of the Michigan Constitution of 1963 also obligates the governor to take care that the laws be faithfully executed.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. Creating the Return to School Advisory Council
  - (a) The Return to School Advisory Council ("the Council") is created as an advisory body within the Department of Technology, Management, and Budget.
  - (b) The Council must consist of up to 25 members. These members must be appointed by the governor and reflect the diverse geographic and demographic composition of this state. Membership must include school leaders, educators, individuals with expertise in public health, pediatrics, mental health, epidemiology, or emergency management, and community members (including at least one parent and one student).
  - (c) A vacancy on the Council must be filled in the same manner as the original appointment.
  - (d) The Governor must name a chairperson of the Council.
2. Charge to the Council
  - (a) The Council must act in an advisory capacity to the governor and the COVID-19 Task Force on Education and must do the following:
    - (1) Develop and submit recommendations to the COVID-19 Task Force on Education regarding the safe, equitable, and efficient K-12 return to school in the Fall.
    - (2) Assemble critical voices from the education and public health communities to assist in identifying key issues schools must consider before opening in the Fall.
    - (3) Recommend actions to remove statutory and administrative barriers to delivering education before Phase 6 of the MI Safe Start Plan.
    - (4) Recommend actions to develop and improve systems for academic support for students who experienced learning loss during the Spring/Summer 2020.
    - (5) Provide other information or advice or take other actions as requested by the governor and the COVID-19 Task Force on Education.
  - (b) The Council must report regularly to the COVID-19 Task Force on Education on its activities and make recommendations on an ongoing basis.
  - (c) The Council will dissolve on December 31, 2020, or such other time as the governor directs.
3. Operations of the Council
  - (a) The Department of Technology, Management, and Budget, with additional support from the Executive Office of the Governor in coordination with any identified external expertise, must assist the Council in the performance of its duties and provide personnel to staff the Council. The budgeting, procurement, and related management functions of the Council will be performed under the direction and supervision of the Department.

- (b) The Council must adopt procedures, consistent with this order and applicable law, governing its organization and operations.
  - (c) The Council will meet at least monthly.
  - (d) The Council must comply with the Freedom of Information Act, 1976 PA 442, as amended, MCL 15.231 to 15.246.
  - (e) The Council may select from among its members a vice chairperson.
  - (f) The Council may select from among its members a secretary. Council staff must assist the secretary with recordkeeping responsibilities.
  - (g) The Council must meet at the call of its chairperson and as otherwise provided in the procedures adopted by the Council.
  - (h) A majority of the members of the Council serving constitutes a quorum for the transaction of the business of the Council. The Council must act by a majority vote of its members.
  - (i) The Council may establish advisory workgroups composed of individuals or entities participating in Council's activities or other members of the public as deemed necessary by the Council to assist it in performing its duties and responsibilities. The Council may adopt, reject, or modify any recommendations proposed by an advisory workgroup.
  - (j) The Council may, as appropriate, make inquiries, studies, and investigations, hold hearings, and receive comments from the public. The Council also may consult with outside experts in order to perform its duties, including experts in the private sector, educators, public health experts, community leaders, government agencies, and institutions of higher education.
  - (k) The Council may hire or retain contractors, sub-contractors, advisors, consultants, and agents, and may make and enter into contracts necessary or incidental to the exercise of the powers of the Council and the performance of its duties as the Department deems advisable and necessary, consistent with this order and applicable law, rules, and procedures, subject to available funding.
  - (l) The Council may accept donations of labor, services, or other things of value from any public or private agency or person. Any donations must be received and used in accordance with law.
  - (m) Members of the Council must not receive additional compensation for participation on the Council. Members of the Council may receive reimbursement for necessary travel and expenses consistent with applicable law, rules, and procedures, subject to available funding.
  - (n) Members of the Council must refer all legal, legislative, and media contacts to the Executive Office of the Governor.
4. Implementation
- (a) All departments, committees, commissioners, or officers of this state must give to the Council, or to any member or representative of the Council, any necessary assistance required by the Council, or any member or representative of the Council, in the performance of the duties of the Council so far as is compatible with their duties and consistent with this order and applicable law. Free access also must be given to any books, records, or documents in their custody relating to matters within the scope of inquiry, study, or review of the Council, consistent with applicable law.
  - (b) This order is not intended to abate a proceeding commenced by, against, or before an officer or entity affected by this order. A proceeding may be maintained by, against, or before the successor of any officer or entity affected by this order.
  - (c) Nothing in this order should be construed to change the organization of the executive branch of state government or the assignment of functions among its units, in a manner requiring the force of law.
  - (d) If any portion of this order is found to be unenforceable, the rest of the order remains in effect.
  - (e) This order is effective upon filing.

Given under my hand and the Great Seal of the State of Michigan.

Date: May 15, 2020

Time: 3:00 pm

[SEAL]

GRETCHEN WHITMER  
GOVERNOR

By the Governor:

JOCELYN BENSON

SECRETARY OF STATE

The message was referred to the Clerk.

The following message from the Governor was received May 15, 2020 and read:

**EXECUTIVE ORDER**

**No. 2020-89**

**Enhanced restrictions on price gouging**

**Rescission of Executive Order 2020-53**

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401 et seq., and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31 et seq.

Since then, the virus spread across Michigan, bringing deaths in the thousands, confirmed cases in the tens of thousands, and deep disruption to this state's economy, homes, and educational, civic, social, and religious institutions. On April 1, 2020, in response to the widespread and severe health, economic, and social harms posed by the COVID-19 pandemic, I issued Executive Order 2020-33. This order expanded on Executive Order 2020-4 and declared both a state of emergency and a state of disaster across the State of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, and the Emergency Powers of the Governor Act of 1945. And on April 30, 2020, finding that COVID-19 had created emergency and disaster conditions across the State of Michigan, I issued Executive Order 2020-67 to continue the emergency declaration under the Emergency Powers of the Governor Act, as well as Executive Order 2020-68 to issue new emergency and disaster declarations under the Emergency Management Act.

The Emergency Management Act vests the governor with broad powers and duties to "cop[e] with dangers to this state or the people of this state presented by a disaster or emergency," which the governor may implement through "executive orders, proclamations, and directives having the force and effect of law." MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945 provides that, after declaring a state of emergency, "the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control." MCL 10.31(1).

Since the onset of this crisis, it has become apparent that some businesses and individuals are selling face masks, hand sanitizers, cleaning supplies, paper products, and other products that people might seek to purchase due to the crisis at unjustified, exceptionally high prices. To prevent such price gouging and help all Michiganders access necessary products during the COVID-19 pandemic, it is reasonable and necessary to temporarily impose enhanced restrictions on the excessive pricing of goods, materials, emergency supplies, and consumer food items.

Executive Order 2020-18 imposed such enhanced restrictions. Executive Order 2020-53 strengthened them and extended their duration. This order extends that duration further, as it remains reasonable and necessary to suppress the spread of COVID-19 and protect the public health and safety of this state and its residents. With this order, Executive Order 2020-53 is rescinded.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. A person must not resell a product in this state at a price that is grossly in excess of the purchase price at which the person acquired the product.
2. A person must not offer for sale or sell any product in this state at a price that is more than 20% higher than what the person offered or charged for that product as of March 9, 2020, unless the person demonstrates that the price increase is attributable to an increase in the cost of bringing the product to market or to an extraordinary discount in effect as of March 9, 2020.
3. For purposes of this order:
  - (a) "Person" means an individual, business, or other legal entity.
  - (b) "Product" means any good, material, or consumer food item with a fair market value of less than \$1,000.00, or any emergency supply.
4. This order does not limit or impair the ability of the attorney general to investigate, determine, or impose liability under the Michigan Consumer Protection Act, 1976 PA 331, as amended, MCL 445.901 et seq., or any other law of this state.

5. This order is effective immediately and continues through June 12, 2020 at 11:59 pm.
6. Executive Order 2020-53 is rescinded.
7. Consistent with MCL 10.33 and MCL 30.405(3), a willful violation of this order is a misdemeanor.

Given under my hand and the Great Seal of the State of Michigan.

Date: May 15, 2020

Time: 5:56 pm

[SEAL]

GRETCHEN WHITMER  
GOVERNOR  
By the Governor:  
JOCELYN BENSON  
SECRETARY OF STATE

The message was referred to the Clerk.

The following message from the Governor was received May 15, 2020 and read:

### EXECUTIVE ORDER

#### No. 2020-90

#### Resumption of laboratory research activities

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401 et seq., and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31 et seq.

Since then, the virus spread across Michigan, bringing deaths in the thousands, confirmed cases in the tens of thousands, and deep disruption to this state's economy, homes, and educational, civic, social, and religious institutions. On April 1, 2020, in response to the widespread and severe health, economic, and social harms posed by the COVID-19 pandemic, I issued Executive Order 2020-33. This order expanded on Executive Order 2020-4 and declared both a state of emergency and a state of disaster across the State of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, and the Emergency Powers of the Governor Act of 1945. And on April 30, 2020, finding that COVID-19 had created emergency and disaster conditions across the State of Michigan, I issued Executive Order 2020-67 to continue the emergency declaration under the Emergency Powers of the Governor Act, as well as Executive Order 2020-68 to issue new emergency and disaster declarations under the Emergency Management Act.

The Emergency Management Act vests the governor with broad powers and duties to "cop[e] with dangers to this state or the people of this state presented by a disaster or emergency," which the governor may implement through "executive orders, proclamations, and directives having the force and effect of law." MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945 provides that, after declaring a state of emergency, "the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control." MCL 10.31(1).

To suppress the spread of COVID-19, to prevent the state's health care system from being overwhelmed, to allow time for the production of critical test kits, ventilators, and personal protective equipment, to establish the public health infrastructure necessary to contain the spread of infection, and to avoid needless deaths, it is reasonable and necessary to direct residents to remain at home or in their place of residence to the maximum extent feasible. To that end, on March 23, 2020, I issued Executive Order 2020-21, ordering all people in Michigan to stay home and stay safe. In Executive Orders 2020-42, 2020-59, 2020-70, and 2020-77, I extended that initial order, modifying its scope as needed and as appropriate to match the ever-changing circumstances presented by this pandemic.

The measures put in place by these executive orders have been effective: the number of new confirmed cases each day has started to drop. Although the virus remains aggressive and persistent—on May 15, 2020, Michigan reported 50,079 confirmed cases and 4,825 deaths—the strain on our health care system has begun



to relent, even as our testing capacity has increased. We have now begun the process of gradually resuming in-person work and activities that were temporarily suspended under my prior orders. In so doing, however, we must move with care, patience, and vigilance, recognizing the grave harm that this virus continues to inflict on our state and how quickly our progress in suppressing it can be undone.

With Executive Order 2020-77, I ordered that certain previously suspended work and activities could resume, based on an evaluation of public health metrics and an assessment of the statewide risks and benefits. That evaluation remains ongoing, and based upon it, I find that we will soon be positioned to allow another segment of previously suspended work to resume: laboratory research. This work, like the resumed activities allowed under Executive Order 2020-77, will be subject to stringent precautionary measures. This partial and incremental reopening will allow my public health team to evaluate the effects of allowing these activities to resume, to assess the capacity of the health care system to respond adequately to any increases in infections, and to prepare for any increase in patients presenting to a health-care facility or provider.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. Workers necessary to conduct research activities in a laboratory setting are considered workers who perform resumed activities within the meaning of section 10 of Executive Order 2020-77.
2. Research laboratories, but not laboratories that perform diagnostic testing, must adhere to the workplace safeguards described in subsection 11(a) through (h) of Executive Order 2020-77, as well as the following:
  - (a) Assign dedicated entry point(s) and/or times into lab buildings.
  - (b) Conduct a daily entry screening protocol for workers, contractors, suppliers, and any other individuals entering a worksite, including a questionnaire covering symptoms and suspected or confirmed exposure to people with possible COVID-19, together with, if possible, a temperature screening.
  - (c) Create protocols and/or checklists as necessary to conform to the facility’s COVID-19 preparedness and response plan under section 11(a) of Executive Order 2020-77.
  - (d) Train workers on adherence to the facility’s preparedness response plan.
  - (e) Suspend all non-essential in-person visitors (including visiting scholars and undergraduate students) until further notice.
  - (f) Train workers on the proper use of lab protection and personal protective equipment.
  - (g) Establish and implement a plan for distributing face coverings.
  - (h) Limit the number of people per square feet of floor space permitted in a particular laboratory at one time.
  - (i) Close open workspaces, cafeterias, and conference rooms.
  - (j) As necessary, use tape on the floor to demarcate socially distanced workspaces and to create one-way traffic flow.
  - (k) Require all office and dry lab work to be conducted remotely.
  - (l) Minimize the use of shared lab equipment and shared lab tools and create protocols for disinfecting lab equipment and lab tools.
  - (m) Provide disinfecting supplies and require workers to wipe down their work stations at least twice daily.
  - (n) Implement an audit and compliance procedure to ensure that cleaning criteria are followed.
  - (o) Establish a clear reporting process for any symptomatic individual or any individual with a confirmed case of COVID-19, including the notification of lab leaders and the maintenance of a central log.
  - (p) Clean and disinfect the work site when a worker is sent home with symptoms or with a confirmed case of COVID-19.
  - (q) Send any potentially exposed co-workers home if there is a positive case in the facility.
  - (r) Restrict all non-essential travel, including conference events.
3. Consistent with MCL 10.33 and MCL 30.405(3), a willful violation of this order is a misdemeanor.

Given under my hand and the Great Seal of the State of Michigan.  
Date: May 15, 2020  
Time: 6:30 pm

[SEAL]

GRETCHEN WHITMER  
GOVERNOR  
By the Governor:  
JOCELYN BENSON  
SECRETARY OF STATE

The message was referred to the Clerk.

The following message from the Governor was received May 18, 2020 and read:

## EXECUTIVE ORDER

No. 2020-91

### Safeguards to protect Michigan's workers from COVID-19

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401 et seq., and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31 et seq.

Since then, the virus spread across Michigan, bringing deaths in the thousands, confirmed cases in the tens of thousands, and deep disruption to this state's economy, homes, and educational, civic, social, and religious institutions. On April 1, 2020, in response to the widespread and severe health, economic, and social harms posed by the COVID-19 pandemic, I issued Executive Order 2020-33. This order expanded on Executive Order 2020-4 and declared both a state of emergency and a state of disaster across the State of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, and the Emergency Powers of the Governor Act of 1945. And on April 30, 2020, finding that COVID-19 had created emergency and disaster conditions across the State of Michigan, I issued Executive Order 2020-67 to continue the emergency declaration under the Emergency Powers of the Governor Act, as well as Executive Order 2020-68 to issue new emergency and disaster declarations under the Emergency Management Act.

The Emergency Management Act vests the governor with broad powers and duties to "cop[e] with dangers to this state or the people of this state presented by a disaster or emergency," which the governor may implement through "executive orders, proclamations, and directives having the force and effect of law." MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945 provides that, after declaring a state of emergency, "the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control." MCL 10.31(1).

To suppress the spread of COVID-19, to prevent the state's health care system from being overwhelmed, to allow time for the production of critical test kits, ventilators, and personal protective equipment, to establish the public health infrastructure necessary to contain the spread of infection, and to avoid needless deaths, it is reasonable and necessary to direct residents to remain at home or in their place of residence to the maximum extent feasible. To that end, on March 23, 2020, I issued Executive Order 2020-21, ordering all people in Michigan to stay home and stay safe. In Executive Orders 2020-42, 2020-59, 2020-70, and 2020-77, I extended that initial order, modifying its scope as needed and appropriate to match the ever-changing circumstances presented by this pandemic.

The measures put in place by these executive orders have been effective: the number of new confirmed cases each day has started to drop. Although the virus remains aggressive and persistent—on May 17, 2020, Michigan reported 51,142 confirmed cases and 4,891 deaths—the strain on our health care system has begun to relent, even as our testing capacity has increased. We have now begun the process of gradually resuming in-person work and activities that were temporarily suspended under my prior orders. In so doing, however, we must move with care, patience, and vigilance, recognizing the grave harm that this virus continues to inflict on our state and how quickly our progress in suppressing it can be undone.

In particular, businesses must do their part to protect their employees, their patrons, and their communities. Many businesses have already done so by implementing robust safeguards to prevent viral transmission. But we can and must do more: no one should feel unsafe at work. With this order, I am creating an enforceable set of workplace standards that apply to all businesses across the state. These standards will have the force and effect of agency rules and will be vigorously enforced by the agencies that oversee compliance with other health-and-safety rules. Any failure to abide by the rules will also constitute a failure to provide a workplace that is free from recognized hazards within the meaning of the Michigan Occupational Safety and Health Act, MCL 408.1011.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. All businesses or operations that are permitted to require their employees to leave the homes or residences for work under Executive Order 2020-92, and any order that follows it, must, at a minimum:
  - (a) Develop a COVID-19 preparedness and response plan, consistent with recommendations in Guidance on Preparing Workplaces for COVID-19, developed by the Occupational Health and

Safety Administration and available here. By June 1, 2020, or within two weeks of resuming in-person activities, whichever is later, a business's or operation's plan must be made readily available to employees, labor unions, and customers, whether via website, internal network, or by hard copy.

- (b) Designate one or more worksite supervisors to implement, monitor, and report on the COVID-19 control strategies developed under subsection (a). The supervisor must remain on-site at all times when employees are present on site. An on-site employee may be designated to perform the supervisory role.
  - (c) Provide COVID-19 training to employees that covers, at a minimum:
    - (1) Workplace infection-control practices.
    - (2) The proper use of personal protective equipment.
    - (3) Steps the employee must take to notify the business or operation of any symptoms of COVID-19 or a suspected or confirmed diagnosis of COVID-19.
    - (4) How to report unsafe working conditions.
  - (d) Conduct a daily entry self-screening protocol for all employees or contractors entering the workplace, including, at a minimum, a questionnaire covering symptoms and suspected or confirmed exposure to people with possible COVID-19.
  - (e) Keep everyone on the worksite premises at least six feet from one another to the maximum extent possible, including through the use of ground markings, signs, and physical barriers, as appropriate to the worksite.
  - (f) Provide non-medical grade face coverings to their employees, with supplies of N95 masks and surgical masks reserved, for now, for health care professionals, first responders (e.g., police officers, fire fighters, paramedics), and other critical workers.
  - (g) Require face coverings to be worn when employees cannot consistently maintain six feet of separation from other individuals in the workplace, and consider face shields when employees cannot consistently maintain three feet of separation from other individuals in the workplace.
  - (h) Increase facility cleaning and disinfection to limit exposure to COVID-19, especially on high-touch surfaces (e.g., door handles), paying special attention to parts, products, and shared equipment (e.g., tools, machinery, vehicles).
  - (i) Adopt protocols to clean and disinfect the facility in the event of a positive COVID-19 case in the workplace.
  - (j) Make cleaning supplies available to employees upon entry and at the worksite and provide time for employees to wash hands frequently or to use hand sanitizer.
  - (k) When an employee is identified with a confirmed case of COVID-19, within 24 hours, notify both:
    - (1) The local public health department, and
    - (2) Any co-workers, contractors, or suppliers who may have come into contact with the person with a confirmed case of COVID-19.
  - (l) Follow Executive Order 2020-36, and any executive orders that follow it, that prohibit discharging, disciplining, or otherwise retaliating against employees who stay home or who leave work when they are at particular risk of infecting others with COVID-19.
  - (m) Establish a response plan for dealing with a confirmed infection in the workplace, including protocols for sending employees home and for temporary closures of all or part of the worksite to allow for deep cleaning.
  - (n) Restrict business-related travel for employees to essential travel only.
  - (o) Encourage employees to use personal protective equipment and hand sanitizer on public transportation.
  - (p) Promote remote work to the fullest extent possible.
  - (q) Adopt any additional infection-control measures that are reasonable in light of the work performed at the worksite and the rate of infection in the surrounding community.
2. Businesses or operations whose work is primarily and traditionally performed outdoors must:
- (a) Prohibit gatherings of any size in which people cannot maintain six feet of distance from one another.
  - (b) Limit in-person interaction with clients and patrons to the maximum extent possible, and bar any such interaction in which people cannot maintain six feet of distance from one another.
  - (c) Provide and require the use of personal protective equipment such as gloves, goggles, face shields, and face coverings, as appropriate for the activity being performed.
  - (d) Adopt protocols to limit the sharing of tools and equipment to the maximum extent possible and to ensure frequent and thorough cleaning and disinfection of tools, equipment, and frequently touched surfaces.

3. Businesses or operations in the construction industry must:
  - (a) Conduct a daily entry screening protocol for employees, contractors, suppliers, and any other individuals entering a worksite, including a questionnaire covering symptoms and suspected or confirmed exposure to people with possible COVID-19, together with, if possible, a temperature screening.
  - (b) Create dedicated entry point(s) at every worksite, if possible, for daily screening as provided in sub-provision (b) of this section, or in the alternative issue stickers or other indicators to employees to show that they received a screening before entering the worksite that day.
  - (c) Provide instructions for the distribution of personal protective equipment and designate on-site locations for soiled face coverings.
  - (d) Require the use of work gloves where appropriate to prevent skin contact with contaminated surfaces.
  - (e) Identify choke points and high-risk areas where employees must stand near one another (such as hallways, hoists and elevators, break areas, water stations, and buses) and control their access and use (including through physical barriers) so that social distancing is maintained.
  - (f) Ensure there are sufficient hand-washing or hand-sanitizing stations at the worksite to enable easy access by employees.
  - (g) Notify contractors (if a subcontractor) or owners (if a contractor) of any confirmed COVID-19 cases among employees at the worksite.
  - (h) Restrict unnecessary movement between project sites.
  - (i) Create protocols for minimizing personal contact upon delivery of materials to the worksite.
4. Manufacturing facilities must:
  - (a) Conduct a daily entry screening protocol for employees, contractors, suppliers, and any other individuals entering the facility, including a questionnaire covering symptoms and suspected or confirmed exposure to people with possible COVID-19, together with temperature screening as soon as no-touch thermometers can be obtained.
  - (b) Create dedicated entry point(s) at every facility for daily screening as provided in sub-provision (a) of this section, and ensure physical barriers are in place to prevent anyone from bypassing the screening.
  - (c) Suspend all non-essential in-person visits, including tours.
  - (d) Train employees on, at a minimum:
    - (1) Routes by which the virus causing COVID-19 is transmitted from person to person.
    - (2) Distance that the virus can travel in the air, as well as the time it remains viable in the air and on environmental surfaces.
    - (3) The use of personal protective equipment, including the proper steps for putting it on and taking it off.
  - (e) Reduce congestion in common spaces wherever practicable by, for example, closing salad bars and buffets within cafeterias and kitchens, requiring individuals to sit at least six feet from one another, placing markings on the floor to allow social distancing while standing in line, offering boxed food via delivery or pick-up points, and reducing cash payments.
  - (f) Implement rotational shift schedules where possible (e.g., increasing the number of shifts, alternating days or weeks) to reduce the number of employees in the facility at the same time.
  - (g) Stagger meal and break times, as well as start times at each entrance, where possible.
  - (h) Install temporary physical barriers, where practicable, between work stations and cafeteria tables.
  - (i) Create protocols for minimizing personal contact upon delivery of materials to the facility.
  - (j) Adopt protocols to limit the sharing of tools and equipment to the maximum extent possible.
  - (k) Ensure there are sufficient hand-washing or hand-sanitizing stations at the worksite to enable easy access by employees, and discontinue use of hand dryers.
  - (l) Notify plant leaders and potentially exposed individuals upon identification of a positive case of COVID-19 in the facility, as well as maintain a central log for symptomatic employees or employees who received a positive test for COVID-19.
  - (m) Send potentially exposed individuals home upon identification of a positive case of COVID-19 in the facility.
  - (n) Require employees to self-report to plant leaders as soon as possible after developing symptoms of COVID-19.
  - (o) Shut areas of the manufacturing facility for cleaning and disinfection, as necessary, if an employee goes home because he or she is displaying symptoms of COVID-19.
5. Research laboratories, but not laboratories that perform diagnostic testing, must:
  - (a) Assign dedicated entry point(s) and/or times into lab buildings.

- (b) Conduct a daily entry screening protocol for employees, contractors, suppliers, and any other individuals entering a worksite, including a questionnaire covering symptoms and suspected or confirmed exposure to people with possible COVID-19, together with, if possible, a temperature screening.
  - (c) Create protocols and/or checklists as necessary to conform to the facility's COVID-19 preparedness and response plan under section 1(a).
  - (d) Suspend all non-essential in-person visitors (including visiting scholars and undergraduate students) until further notice.
  - (e) Establish and implement a plan for distributing face coverings.
  - (f) Limit the number of people per square feet of floor space permitted in a particular laboratory at one time.
  - (g) Close open workspaces, cafeterias, and conference rooms.
  - (h) As necessary, use tape on the floor to demarcate socially distanced workspaces and to create one-way traffic flow.
  - (i) Require all office and dry lab work to be conducted remotely.
  - (j) Minimize the use of shared lab equipment and shared lab tools and create protocols for disinfecting lab equipment and lab tools.
  - (k) Provide disinfecting supplies and require employees to wipe down their work stations at least twice daily.
  - (l) Implement an audit and compliance procedure to ensure that cleaning criteria are followed.
  - (m) Establish a clear reporting process for any symptomatic individual or any individual with a confirmed case of COVID-19, including the notification of lab leaders and the maintenance of a central log.
  - (n) Clean and disinfect the work site when an employee is sent home with symptoms or with a confirmed case of COVID-19.
  - (o) Send any potentially exposed co-workers home if there is a positive case in the facility.
  - (p) Restrict all non-essential travel, including in-person conference events.
6. Retail stores that are open for in-store sales must:
- (a) Create communications material for customers (e.g., signs or pamphlets) to inform them of changes to store practices and to explain the precautions the store is taking to prevent infection.
  - (b) Establish lines to regulate entry in accordance with subsection (c) of this section, with markings for patrons to enable them to stand at least six feet apart from one another while waiting. Stores should also explore alternatives to lines, including by allowing customers to wait in their cars for a text message or phone call, to enable social distancing and to accommodate seniors and those with disabilities.
  - (c) Adhere to the following restrictions:
    - (1) For stores of less than 50,000 square feet of customer floor space, must limit the number of people in the store (including employees) to 25% of the total occupancy limits established by the State Fire Marshal or a local fire marshal. Stores of more than 50,000 square feet must:
      - (A) Limit the number of customers in the store at one time (excluding employees) to 4 people per 1,000 square feet of customer floor space.
      - (B) Create at least two hours per week of dedicated shopping time for vulnerable populations, which for purposes of this order are people over 60, pregnant women, and those with chronic conditions like heart disease, diabetes, and lung disease.
    - (2) The director of the Department of Health and Human Services is authorized to issue an emergency order varying the capacity limits described in this subsection as necessary to protect the public health.
  - (d) Post signs at store entrance(s) instructing customers of their legal obligation to wear a face covering when inside the store.
  - (e) Post signs at store entrance(s) informing customers not to enter if they are or have recently been sick.
  - (f) Design spaces and store activities in a manner that encourages employees and customers to maintain six feet of distance from one another.
  - (g) Install physical barriers at checkout or other service points that require interaction, including plexiglass barriers, tape markers, or tables, as appropriate.
  - (h) Establish an enhanced cleaning and sanitizing protocol for high-touch areas like restrooms, credit-card machines, keypads, counters, shopping carts, and other surfaces.
  - (i) Train employees on:
    - (1) Appropriate cleaning procedures, including training for cashiers on cleaning between customers.

- (2) How to manage symptomatic customers upon entry or in the store.
  - (j) Notify employees if the employer learns that an individual (including a customer or supplier) with a confirmed case of COVID-19 has visited the store.
  - (k) Limit staffing to the minimum number necessary to operate.
7. Offices must:
- (a) Assign dedicated entry point(s) for all employees to reduce congestion at the main entrance.
  - (b) Provide visual indicators of appropriate spacing for employees outside the building in case of congestion.
  - (c) Take steps to reduce entry congestion and to ensure the effectiveness of screening (e.g., by staggering start times, adopting a rotational schedule in only half of employees are in the office at a particular time).
  - (d) Require face coverings in shared spaces, including during in-person meetings and in restrooms and hallways.
  - (e) Increase distancing between employees by spreading out workspaces, staggering workspace usage, restricting non-essential common space (e.g., cafeterias), providing visual cues to guide movement and activity (e.g., restricting elevator capacity with markings, locking conference rooms).
  - (f) Turn off water fountains.
  - (g) Prohibit social gatherings and meetings that do not allow for social distancing or that create unnecessary movement through the office.
  - (h) Provide disinfecting supplies and require employees wipe down their work stations at least twice daily.
  - (i) Post signs about the importance of personal hygiene.
  - (j) Disinfect high-touch surfaces in offices (e.g., whiteboard markers, restrooms, handles) and minimize shared items when possible (e.g., pens, remotes, whiteboards).
  - (k) Institute cleaning and communications protocols when employees are sent home with symptoms.
  - (l) Notify employees if the employer learns that an individual (including a customer, supplier, or visitor) with a confirmed case of COVID-19 has visited the office.
  - (m) Suspend all nonessential visitors.
  - (n) Restrict all non-essential travel, including in-person conference events.
8. Restaurants and bars must:
- (a) Limit capacity to 50% of normal seating.
  - (b) Require six feet of separation between parties or groups at different tables or bar tops (e.g., spread tables out, use every other table, remove or put up chairs or barstools that are not in use).
  - (c) Create communications material for customers (e.g., signs, pamphlets) to inform them of changes to restaurant or bar practices and to explain the precautions that are being taken to prevent infection.
  - (d) Close waiting areas and ask customers to wait in cars for a call when their table is ready.
  - (e) Close self-serve food or drink options, such as buffets, salad bars, and drink stations.
  - (f) Provide physical guides, such as tape on floors or sidewalks and signage on walls to ensure that customers remain at least six feet apart in any lines.
  - (g) Post sign(s) at store entrance(s) informing customers not to enter if they are or have recently been sick.
  - (h) Post sign(s) instructing customers to wear face coverings until they get to their table.
  - (i) Require hosts and servers to wear face coverings in the dining area.
  - (j) Require employees to wear face coverings and gloves in the kitchen area when handling food, consistent with guidelines from the Food and Drug Administration (“FDA”).
  - (k) Limit shared items for customers (e.g., condiments, menus) and clean high-contact areas after each customer (e.g., tables, chairs, menus, payment tools, condiments).
  - (l) Train employees on:
    - (1) Appropriate use of personal protective equipment in conjunction with food safety guidelines.
    - (2) Food safety health protocols (e.g., cleaning between customers, especially shared condiments).
    - (3) How to manage symptomatic customers upon entry or in the restaurant.
  - (m) Notify employees if the employer learns that an individual (including an employee, customer, or supplier) with a confirmed case of COVID-19 has visited the store.

- (n) Close restaurant immediately if an employee shows multiple symptoms of COVID-19 (fever, atypical shortness of breath, atypical cough) and perform a deep clean, consistent with guidance from FDA and the Center for Disease Control. Such cleaning may occur overnight.
  - (o) Require a doctor’s written release to return to work if an employee has a confirmed case of COVID-19.
  - (p) Install physical barriers, such as sneeze guards and partitions at cash registers, bars, host stands, and other areas where maintaining physical distance of six feet is difficult.
  - (q) To the maximum extent possible, limit the number of employees in shared spaces, including kitchens, break rooms, and offices, to maintain at least a six-foot distance between employees.
9. Employers must maintain a record of the requirements set forth in Sections 1(c), (d), and (k).
  10. The rules described in sections 1 through 9 have the force and effect of regulations adopted by the departments and agencies with responsibility for overseeing compliance with workplace health-and-safety standards and are fully enforceable by such agencies. Any challenge to penalties imposed by a department or agency for violating any of the rules described in sections 1 through 9 of this order will proceed through the same administrative review process as any challenge to a penalty imposed by the department or agency for a violation of its rules.
  11. Any business or operation that violates the rules in sections 1 through 9 has failed to provide a place of employment that is free from recognized hazards that are causing, or are likely to cause, death or serious physical harm to an employee, within the meaning of the Michigan Occupational Safety and Health Act, MCL 408.1011.
  12. Nothing in this order shall be taken to limit or affect any rights or remedies otherwise available under law.

Given under my hand and the Great Seal of the State of Michigan.

Date: May 18, 2020

Time: 1:15 pm

[SEAL]

GRETCHEN WHITMER  
GOVERNOR

By the Governor:  
JOCELYN BENSON  
SECRETARY OF STATE

The message was referred to the Clerk.

The following message from the Governor was received May 18, 2020 and read:

**EXECUTIVE ORDER**

**No. 2020-92**

**Temporary requirement to suspend certain activities that  
are not necessary to sustain or protect life**

**Rescission of Executive Orders 2020-77 and 2020-90**

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401 et seq., and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31 et seq.

Since then, the virus spread across Michigan, bringing deaths in the thousands, confirmed cases in the tens of thousands, and deep disruption to this state’s economy, homes, and educational, civic, social, and religious institutions. On April 1, 2020, in response to the widespread and severe health, economic, and social harms posed by the COVID-19 pandemic, I issued Executive Order 2020-33. This order expanded on Executive Order 2020-4 and declared both a state of emergency and a state of disaster across the State of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, and the Emergency Powers of the Governor Act of 1945. And on April 30, 2020, finding that COVID-19 had created

emergency and disaster conditions across the State of Michigan, I issued Executive Order 2020-67 to continue the emergency declaration under the Emergency Powers of the Governor Act, as well as Executive Order 2020-68 to issue new emergency and disaster declarations under the Emergency Management Act.

The Emergency Management Act vests the governor with broad powers and duties to “cop[e] with dangers to this state or the people of this state presented by a disaster or emergency,” which the governor may implement through “executive orders, proclamations, and directives having the force and effect of law.” MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945 provides that, after declaring a state of emergency, “the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control.” MCL 10.31(1).

To suppress the spread of COVID-19, to prevent the state’s health care system from being overwhelmed, to allow time for the production of critical test kits, ventilators, and personal protective equipment, to establish the public health infrastructure necessary to contain the spread of infection, and to avoid needless deaths, it is reasonable and necessary to direct residents to remain at home or in their place of residence to the maximum extent feasible. To that end, on March 23, 2020, I issued Executive Order 2020-21, ordering all people in Michigan to stay home and stay safe. In Executive Orders 2020-42, 2020-59, 2020-70, and 2020-77, I extended that initial order, modifying its scope as needed and appropriate to match the ever-changing circumstances presented by this pandemic.

The measures put in place by Executive Orders 2020-21, 2020-42, 2020-59, 2020-70, and 2020-77 have been effective: the number of new confirmed cases each day has started to drop. Although the virus remains aggressive and persistent—on May 17, 2020, Michigan reported 51,142 confirmed cases and 4,891 deaths—the strain on our health care system has begun to relent, even as our testing capacity has increased. We can now start the process of gradually resuming in-person work and activities that were temporarily suspended under my prior orders. In so doing, however, we must move with care, patience, and vigilance, recognizing the grave harm that this virus continues to inflict on our state and how quickly our progress in suppressing it can be undone.

Accordingly, with this order, I find it reasonable and necessary to reaffirm the measures set forth in Executive Order 2020-77. The order is being reissued to omit worker safeguards that were included in prior versions of this order but which have now been adopted in Executive Order 2020-91, a standalone order on worker protection. It has also been amended to allow, in two regions, social gatherings of up to 10 people and to permit the reopening of retail stores, offices, and restaurants and bars with limited seating. Finally, the order incorporates and replaces Executive Order 2020-90, which allowed research laboratories to resume activities.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. This order must be construed broadly to prohibit in-person work that is not necessary to sustain or protect life.
2. For purposes of this order, Michigan comprises eight separate regions:
  - (a) Region 1 includes the following counties: Monroe, Washtenaw, Livingston, Genesee, Lapeer, Saint Clair, Oakland, Macomb, and Wayne.
  - (b) Region 2 includes the following counties: Mason, Lake, Osceola, Clare, Oceana, Newaygo, Mecosta, Isabella, Muskegon, Montcalm, Ottawa, Kent, and Ionia.
  - (c) Region 3 includes the following counties: Allegan, Barry, Van Buren, Kalamazoo, Calhoun, Berrien, Cass, Saint Joseph, and Branch.
  - (d) Region 4 includes the following counties: Oscoda, Alcona, Ogemaw, Iosco, Gladwin, Arenac, Midland, Bay, Saginaw, Tuscola, Sanilac, and Huron.
  - (e) Region 5 includes the following counties: Gratiot, Clinton, Shiawassee, Eaton, and Ingham.
  - (f) Region 6 includes the following counties: Manistee, Wexford, Missaukee, Roscommon, Benzie, Grand Traverse, Kalkaska, Crawford, Leelanau, Antrim, Otsego, Montmorency, Alpena, Charlevoix, Cheboygan, Presque Isle, and Emmet.
  - (g) Region 7 includes the following counties: Hillsdale, Lenawee, and Jackson.
  - (h) Region 8 includes the following counties: Gogebic, Ontonagon, Houghton, Keweenaw, Iron, Baraga, Dickinson, Marquette, Menominee, Delta, Alger, Schoolcraft, Luce, Mackinac, and Chippewa.
3. Subject to the exceptions in section 8 of this order, all individuals currently living within the State of Michigan are ordered to stay at home or at their place of residence. Subject to the same exceptions, all public and private gatherings of any number of people occurring among persons not part of a single household are prohibited.
4. All individuals who leave their home or place of residence must adhere to social distancing measures recommended by the Centers for Disease Control and Prevention (“CDC”), including remaining at least six feet from people from outside the individual’s household to the extent feasible under the circumstances.



5. No person or entity shall operate a business or conduct operations that require workers to leave their homes or places of residence except to the extent that those workers are necessary to sustain or protect life, to conduct minimum basic operations, or to perform a resumed activity within the meaning of this order.
  - (a) For purposes of this order, workers who are necessary to sustain or protect life are defined as “critical infrastructure workers,” as described in sections 9 and 10 of this order.
  - (b) For purposes of this order, workers who are necessary to conduct minimum basic operations are those whose in-person presence is strictly necessary to allow the business or operation to maintain the value of inventory and equipment, care for animals, ensure security, process transactions (including payroll and employee benefits), or facilitate the ability of other workers to work remotely.

Businesses and operations must determine which of their workers are necessary to conduct minimum basic operations and inform such workers of that designation. Businesses and operations must make such designations in writing, whether by electronic message, public website, or other appropriate means. Workers need not carry copies of their designations when they leave the home or place of residence for work.

Any in-person work necessary to conduct minimum basic operations must be performed consistently with the social distancing practices and other mitigation measures described in Executive Order 2020-91 and any orders that follow or replace it.
  - (c) Workers who perform resumed activities are defined in section 11 of this order.
6. Businesses and operations that employ critical infrastructure workers or workers who perform resumed activities may continue in-person operations, subject to the following conditions:
  - (a) Consistent with sections 9, 10, and 11 of this order, businesses and operations must determine which of their workers are critical infrastructure workers or workers who perform resumed activities and inform such workers of that designation. Businesses and operations must make such designations in writing, whether by electronic message, public website, or other appropriate means. Workers need not carry copies of their designations when they leave the home or place of residence for work. Businesses and operations need not designate:
    - (1) Workers in health care and public health.
    - (2) Workers who perform necessary government activities, as described in section 7 of this order.
    - (3) Workers and volunteers described in section 10(d) of this order.
  - (b) In-person activities that are not necessary to sustain or protect life or to perform a resumed activity must be suspended.
  - (c) Businesses and operations maintaining in-person activities must adopt social distancing practices and other mitigation measures to protect workers and patrons, as described in Executive Order 2020-91 and any orders that follow or replace it.
  - (d) Any business or operation that employs workers who perform resumed activities under section 11(a) of this order, but that does not sell necessary supplies, may sell any goods through remote sales via delivery or at the curbside. Such a business or operation, however, must otherwise remain closed to the public.
7. All in-person government activities at whatever level (state, county, or local) are suspended unless:
  - (a) They are performed by critical infrastructure workers, including workers in law enforcement, public safety, and first responders, as defined in sections 9 and 10 of this order.
  - (b) They are performed by workers who are permitted to resume work under section 11 of this order.
  - (c) They are necessary to support the activities of workers described in sections 9, 10, and 11 of this order, or to enable transactions that support businesses or operations that employ such workers.
  - (d) They involve public transit, trash pick-up and disposal (including recycling and composting), the management and oversight of elections, and the maintenance of safe and sanitary public parks so as to allow for outdoor activity permitted under this order.
  - (e) For purposes of this order, necessary government activities include minimum basic operations, as described in 5(b) of this order. Workers performing such activities need not be designated.
  - (f) Any in-person government activities must be performed consistently with the social distancing practices and other mitigation measures to protect workers and patrons described in Executive Order 2020-91 and any orders that follow or replace it.
8. Exceptions.
  - (a) Individuals may leave their home or place of residence, and travel as necessary:
    - (1) To engage in outdoor recreational activity, consistent with remaining at least six feet from people from outside the individual’s household. Outdoor recreational activity includes

- walking, hiking, running, cycling, boating, golfing, or other similar activity, as well as any comparable activity for those with limited mobility.
- (2) To perform their jobs as critical infrastructure workers after being so designated by their employers. (Critical infrastructure workers who need not be designated under section 6(a) of this order may leave their home for work without being designated.)
  - (3) To conduct minimum basic operations, as described in section 5(b) of this order, after being designated to perform such work by their employers.
  - (4) To perform resumed activities, as described in section 11 of this order, after being designated to perform such work by their employers.
  - (5) To perform necessary government activities, as described in section 7 of this order.
  - (6) To perform tasks that are necessary to their health and safety, or to the health and safety of their family or household members (including pets). Individuals may, for example, leave the home or place of residence to secure medication or to seek medical or dental care that is necessary to address a medical emergency or to preserve the health and safety of a household or family member (including in-person procedures or veterinary services that, in accordance with a duly implemented non-essential procedure or veterinary services postponement plan, have not been postponed).
  - (7) To obtain necessary services or supplies for themselves, their family or household members, their pets, and their motor vehicles.
    - (A) Individuals must secure such services or supplies via delivery to the maximum extent possible. As needed, however, individuals may leave the home or place of residence to purchase groceries, take-out food, gasoline, needed medical supplies, and any other products necessary to maintain the safety, sanitation, and basic operation of their residences or motor vehicles.
    - (B) Individuals may also leave the home to pick up or return a motor vehicle as permitted under section 10(i) of this order, or to have a motor vehicle or bicycle repaired or maintained.
    - (C) Individuals should limit, to the maximum extent that is safe and feasible, the number of household members who leave the home for any errands.
  - (8) To pick up non-necessary supplies at the curbside from a store that must otherwise remain closed to the public.
  - (9) To care for a family member or a family member's pet in another household.
  - (10) To care for minors, dependents, the elderly, persons with disabilities, or other vulnerable persons.
  - (11) To visit an individual under the care of a health care facility, residential care facility, or congregate care facility, to the extent otherwise permitted.
  - (12) To visit a child in out-of-home care, or to facilitate a visit between a parent and a child in out-of-home care, when there is agreement between the child placing agency, the parent, and the caregiver about a safe visitation plan, or when, failing such agreement, the individual secures an exception from the executive director of the Children's Services Agency.
  - (13) To attend legal proceedings or hearings for essential or emergency purposes as ordered by a court.
  - (14) To work or volunteer for businesses or operations (including both religious and secular nonprofit organizations) that provide food, shelter, and other necessities of life for economically disadvantaged or otherwise needy individuals, individuals who need assistance as a result of this emergency, and people with disabilities.
  - (15) To attend a funeral, provided that no more than 10 people are in attendance.
  - (16) To attend a meeting of an addiction recovery mutual aid society, provided that no more than 10 people are in attendance.
  - (17) To view a real-estate listing by appointment, as permitted under section 11(g) of this order.
  - (18) To participate in training, credentialing, or licensing activities permitted under section 11(i) of this order.
  - (19) For individuals in Regions 6 or 8, to go to a restaurant or a retail store or to attend a social gathering of up to 10 people.
- (b) Individuals may also travel:
- (1) To return to a home or place of residence from outside this state.
  - (2) To leave this state for a home or residence elsewhere.
  - (3) Between two residences in this state, including moving to a new residence.

- (4) As required by law enforcement or a court order, including the transportation of children pursuant to a custody agreement.
- (c) All other travel is prohibited, including all travel to vacation rentals.
- 9. For purposes of this order, critical infrastructure workers are those workers described by the Director of the U.S. Cybersecurity and Infrastructure Security Agency in his guidance of March 19, 2020 on the COVID-19 response (available here). This order does not adopt any subsequent guidance document released by this same agency. Consistent with the March 19, 2020 guidance document, critical infrastructure workers include some workers in each of the following sectors:
  - (a) Health care and public health.
  - (b) Law enforcement, public safety, and first responders.
  - (c) Food and agriculture.
  - (d) Energy.
  - (e) Water and wastewater.
  - (f) Transportation and logistics.
  - (g) Public works.
  - (h) Communications and information technology, including news media.
  - (i) Other community-based government operations and essential functions.
  - (j) Critical manufacturing.
  - (k) Hazardous materials.
  - (l) Financial services.
  - (m) Chemical supply chains and safety.
  - (n) Defense industrial base.
- 10. For purposes of this order, critical infrastructure workers also include:
  - (a) Child care workers (including workers at disaster relief child care centers), but only to the extent necessary to serve the children or dependents of critical infrastructure workers, workers who conduct minimum basic operations, workers who perform necessary government activities, or workers who perform resumed activities. This category includes individuals (whether licensed or not) who have arranged to care for the children or dependents of such workers.
  - (b) Workers at suppliers, distribution centers, or service providers, as described below.
    - (1) Any suppliers, distribution centers, or service providers whose continued operation is necessary to enable, support, or facilitate another business's or operation's critical infrastructure work may designate their workers as critical infrastructure workers, provided that only those workers whose in-person presence is necessary to enable, support, or facilitate such work may be so designated.
    - (2) Any suppliers, distribution centers, or service providers whose continued operation is necessary to enable, support, or facilitate the necessary work of suppliers, distribution centers, or service providers described in sub-provision (1) of this subsection may designate their workers as critical infrastructure workers provided that only those workers whose in-person presence is necessary to enable, support, or facilitate such work may be so designated.
    - (3) Consistent with the scope of work permitted under sub-provision (2) of this subsection, any suppliers, distribution centers, or service providers further down the supply chain whose continued operation is necessary to enable, support, or facilitate the necessary work of other suppliers, distribution centers, or service providers may likewise designate their workers as critical infrastructure workers, provided that only those workers whose in-person presence is necessary to enable, support, or facilitate such work may be so designated.
    - (4) Suppliers, distribution centers, and service providers that abuse their designation authority under this subsection shall be subject to sanctions to the fullest extent of the law.
  - (c) Workers in the insurance industry, but only to the extent that their work cannot be done by telephone or remotely.
  - (d) Workers and volunteers for businesses or operations (including both religious and secular nonprofit organizations) that provide food, shelter, and other necessities of life for economically disadvantaged or otherwise needy individuals, individuals who need assistance as a result of this emergency, and people with disabilities.
  - (e) Workers who perform critical labor union functions, including those who administer health and welfare funds and those who monitor the well-being and safety of union members who are critical infrastructure workers, provided that any administration or monitoring should be done by telephone or remotely where possible.

- (f) Workers at retail stores who sell groceries, medical supplies, and products necessary to maintain the safety, sanitation, and basic operation of residences or motor vehicles, including convenience stores, pet supply stores, auto supplies and repair stores, hardware and home maintenance stores, and home appliance retailers.
  - (g) Workers at laundromats, coin laundries, and dry cleaners.
  - (h) Workers at hotels and motels, provided that the hotels or motels do not offer additional in-house amenities such as gyms, pools, spas, dining, entertainment facilities, meeting rooms, or like facilities.
  - (i) Workers at motor vehicle dealerships who are necessary to facilitate remote and electronic sales or leases, or to deliver motor vehicles to customers, provided that showrooms remain closed to in-person traffic.
11. For purposes of this order, workers who perform resumed activities are defined as follows:
- (a) Workers who process or fulfill remote orders for goods for delivery or curbside pick-up.
  - (b) Workers who perform bicycle maintenance or repair.
  - (c) Workers for garden stores, nurseries, and lawn care, pest control, and landscaping operations.
  - (d) Workers for moving or storage operations.
  - (e) Workers who perform work that is traditionally and primarily performed outdoors, including but not limited to forestry workers, outdoor power equipment technicians, parking enforcement workers, and outdoor workers at places of outdoor recreation not otherwise closed under Executive Order 2020-69 or any order that may follow from it.
  - (f) Workers in the construction industry, including workers in the building trades (plumbers, electricians, HVAC technicians, and similar workers).
  - (g) Workers in the real-estate industry, including agents, appraisers, brokers, inspectors, surveyors, and registers of deeds, provided that:
    - (1) Any showings, inspections, appraisals, photography or videography, or final walk-throughs must be performed by appointment and must be limited to no more than four people on the premises at any one time. No in-person open houses are permitted.
    - (2) Private showings may only be arranged for owner-occupied homes, vacant homes, vacant land, commercial property, and industrial property.
  - (h) Workers necessary to the manufacture of goods that support workplace modification to forestall the spread of COVID-19 infections.
  - (i) Workers necessary to train, credential, and license first responders (e.g., police officers, fire fighters, paramedics) and health-care workers, including certified nursing assistants, provided that as much instruction as possible is provided remotely.
  - (j) Workers necessary to perform manufacturing activities. Manufacturing work may not commence under this subsection until the facility at which the work will be performed has been prepared to follow the workplace safeguards described in section 4 of Executive Order 2020-91 and any orders that follow or replace it.
  - (k) Workers necessary to conduct research activities in a laboratory setting.
  - (l) For Regions 6 and 8, beginning at 12:01 am on May 22, workers necessary to perform retail activities. For purposes of this order, retail activities are defined to exclude those places of public accommodation that are closed under Executive Order 2020-69 and any orders that follow or replace it.
  - (m) For Regions 6 and 8, beginning at 12:01 am on May 22, workers who work in an office setting, but only to the extent that such work is not capable of being performed remotely.
  - (n) For Regions 6 and 8, beginning at 12:01 am on May 22, workers in restaurants or bars, subject to the capacity constraints and workplace standards described in Executive Order 2020-91. Nothing in this subsection should be taken to abridge or otherwise modify the existing power of a local government to impose further restrictions on restaurants or bars.
  - (o) Workers necessary to prepare a workplace to follow the workplace standards described in Executive Order 2020-91.
  - (p) Consistent with section 10(b) of this order, workers at suppliers, distribution centers, or service providers whose in-person presence is necessary to enable, support, or facilitate another business's or operation's resumed activities, including workers at suppliers, distribution centers, or service providers along the supply chain whose in-person presence is necessary to enable, support, or facilitate the necessary work of another supplier, distribution center, or service provider in enabling, supporting, or facilitating another business's or operation's resumed activities. Suppliers, distribution centers, and service providers that abuse their designation authority under this subsection shall be subject to sanctions to the fullest extent of the law.

12. Any store that is open for in-store sales under section 10(f) or section 11(c) of this executive order:
  - (a) May continue to sell goods other than necessary supplies if the sale of such goods is in the ordinary course of business.
  - (b) Must consider establishing curbside pick-up to reduce in-store traffic and mitigate outdoor lines.
13. No one shall rent a short-term vacation property except as necessary to assist in housing a health care professional aiding in the response to the COVID-19 pandemic or a volunteer who is aiding the same.
14. Michigan state parks remain open for day use, subject to any reductions in services and specific closures that, in the judgment of the director of the Department of Natural Resources, are necessary to minimize large gatherings and to prevent the spread of COVID-19.
15. Rules governing face coverings.
  - (a) Except as provided in subsection (b) of this section, any individual able to medically tolerate a face covering must wear a covering over his or her nose and mouth—such as a homemade mask, scarf, bandana, or handkerchief—when in any enclosed public space.
  - (b) An individual may be required to temporarily remove a face covering upon entering an enclosed public space for identification purposes or while seated at a restaurant or bar.
  - (c) All businesses and operations whose workers perform in-person work must, at a minimum, provide non-medical grade face coverings to their workers.
  - (d) Supplies of N95 masks and surgical masks should generally be reserved, for now, for health care professionals, first responders (e.g., police officers, fire fighters, paramedics), and other critical workers who interact with the public.
  - (e) The protections against discrimination in the Elliott-Larsen Civil Rights Act, 1976 PA 453, as amended, MCL 37.2101 et seq., and any other protections against discrimination in Michigan law, apply in full force to individuals who wear a face covering under this order.
16. Nothing in this order should be taken to supersede another executive order or directive that is in effect, except to the extent this order imposes more stringent limitations on in-person work, activities, and interactions. Consistent with prior guidance, neither a place of religious worship nor its owner is subject to penalty under section 20 of this order for allowing religious worship at such place. No individual is subject to penalty under section 20 of this order for engaging in or traveling to engage in religious worship at a place of religious worship, or for violating section 15(a) of this order.
17. Nothing in this order should be taken to interfere with or infringe on the powers of the legislative and judicial branches to perform their constitutional duties or exercise their authority. Similarly, nothing in this order shall be taken to abridge protections guaranteed by the state or federal constitution under these emergency circumstances.
18. This order takes effect immediately, unless otherwise specified in this order, and continues through May 28, 2020 at 11:59 pm. Executive Orders 2020-77 and 2020-90 are rescinded. All references to those orders in other executive orders, agency rules, letters of understanding, or other legal authorities shall be taken to refer to this order.
19. I will evaluate the continuing need for this order prior to its expiration. In determining whether to maintain, intensify, or relax its restrictions, I will consider, among other things, (1) data on COVID-19 infections and the disease's rate of spread; (2) whether sufficient medical personnel, hospital beds, and ventilators exist to meet anticipated medical need; (3) the availability of personal protective equipment for the health care workforce; (4) the state's capacity to test for COVID-19 cases and isolate infected people; and (5) economic conditions in the state.
20. Consistent with MCL 10.33 and MCL 30.405(3), a willful violation of this order is a misdemeanor.

Given under my hand and the Great Seal of the State of Michigan.

Date: May 18, 2020

Time: 1:15 pm

[SEAL]

GRETCHEN WHITMER  
GOVERNOR

By the Governor:

JOCELYN BENSON

SECRETARY OF STATE

The message was referred to the Clerk.

The following message from the Governor was received May 19, 2020 and read:

## **EXECUTIVE ORDER**

**No. 2020-93**

### **Temporary enhancements to operational capacity, flexibility, and efficiency of pharmacies**

#### **Rescission of Executive Order 2020-56**

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401 et seq., and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31 et seq.

Since then, the virus spread across Michigan, bringing deaths in the thousands, confirmed cases in the tens of thousands, and deep disruption to this state's economy, homes, and educational, civic, social, and religious institutions. On April 1, 2020, in response to the widespread and severe health, economic, and social harms posed by the COVID-19 pandemic, I issued Executive Order 2020-33. This order expanded on Executive Order 2020-4 and declared both a state of emergency and a state of disaster across the State of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, and the Emergency Powers of the Governor Act of 1945. And on April 30, 2020, finding that COVID-19 had created emergency and disaster conditions across the State of Michigan, I issued Executive Order 2020-67 to continue the emergency declaration under the Emergency Powers of the Governor Act, as well as Executive Order 2020-68 to issue new emergency and disaster declarations under the Emergency Management Act.

The Emergency Management Act vests the governor with broad powers and duties to "cop[e] with dangers to this state or the people of this state presented by a disaster or emergency," which the governor may implement through "executive orders, proclamations, and directives having the force and effect of law." MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945 provides that, after declaring a state of emergency, "the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control." MCL 10.31(1).

To respond effectively to the urgent and steep demands created by this pandemic, the public requires increased access to therapeutic pharmaceuticals. Meeting this critical need requires swiftly but safely expanding access to pharmacy services. To that end, it is reasonable and necessary to provide temporary and limited relief from certain regulatory restrictions regarding pharmacies in order to enhance their operational capacity, flexibility, and efficiency.

Executive Order 2020-25 provided such relief. Executive Order 2020-56 extended its duration. This order extends its duration further, as it remains reasonable and necessary to suppress the spread of COVID-19 and protect the public health and safety of this state and its residents. With this order, Executive Order 2020-56 is rescinded.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. Pharmacists located in any county in this state may dispense emergency refills of up to a sixty (60) day supply of any non-controlled maintenance medication for residents of any county in this state if, in the pharmacist's professional judgment, failure to refill the prescription might interrupt the patient's ongoing care and have a significant adverse effect on the patient's well-being.
2. The following shall apply to all emergency refills dispensed under section 1 of this order:
  - (a) The pharmacist must inform the patient that the prescription was refilled under section 1 of this order.
  - (b) The pharmacist must inform the prescriber in writing within a reasonable period of time of any refills the pharmacist dispensed under section 1 of this order.
  - (c) Prior to refilling a prescription under section 1 of this order, the pharmacist, clinic, or mobile pharmacy must make every reasonable effort to communicate with the prescriber regarding the refilling of the prescription. The pharmacist must make an appropriate record of that effort, including the basis for proceeding under section 1 of this order.
  - (d) A prescriber must not incur any criminal or civil liability or licensing disciplinary action as the result of a pharmacist refilling a prescription under section 1 of this order.

3. Pharmacists may temporarily operate a pharmacy in an area not designated on the pharmacy license, but they may not prepare sterile drug products beyond low-risk preparations, as defined by USP standards, for immediate inpatient administration in such temporary facilities.
4. Pharmacists may dispense and/or administer drugs as needed to treat COVID-19 pursuant to protocols established by the Centers for Disease Control and Prevention or the National Institute of Health, or as determined appropriate by the chief medical executive of the Department of Health and Human Services or her designee.
5. Pharmacists may substitute a therapeutically equivalent medication for a medication subject to critical shortages without the authorization of a prescriber. The pharmacist must inform the patient of any such substitution. The pharmacist must inform the prescriber within a reasonable period of time of any prescriptions or refills dispensed under this section. A prescriber must not incur any criminal or civil liability or licensing disciplinary action as the result of a pharmacist filling or refilling a prescription under this section.
6. To increase the number of pharmacists who can serve patients during this time of need, preceptors may supervise student pharmacists remotely to fulfill eligibility for licensure and avoid delaying graduation.
7. Insurers and health maintenance organizations issuing health insurance or disability insurance policies that provide prescription drug benefits must cover any emergency refills of covered prescription drugs dispensed by a pharmacist under section 1 of this order. Insurers and health maintenance organizations must also allow for early refills of all 30-day or 60-day covered prescription maintenance medications to allow for up to a 90-day supply to be dispensed by a pharmacy, without regard to whether the pharmacy is mail-order or in-person. Insurers and health maintenance organizations may still apply policy or contract provisions governing out-of-network benefits and cost-sharing.
8. Pharmacists may supervise pharmacy technicians and other pharmacy staff remotely. Supervision must be conducted through a real-time, continuous audiovisual camera system, capable of allowing the pharmacist to visually identify the markings on tablets and capsules. The pharmacist must have access to all relevant patient information to accomplish the remote supervision and must be available at all times during the supervision to provide real-time patient consultation. A pharmacy technician may not perform sterile or nonsterile compounding without a pharmacist on the premises.
9. Pharmacies holding a license, certificate, or other permit in good standing issued by another state must be deemed licensed to do business in this state. These out-of-state licensed pharmacies must not deliver controlled substances into this state; must abide by all Michigan regulations applicable to the practice of pharmacy, but need not have a pharmacist-in-charge with a license to practice in Michigan; and must hold a current accreditation from a national organization approved by the Michigan Board of Pharmacy before providing sterile compounding services to patients in this state.
10. Wholesale distributors holding a license, certificate, or other permit in good standing issued by another state must be deemed licensed to do business in this state. These out-of-state wholesale distributors must not deliver controlled substances into this state and must abide by all Michigan regulations applicable to a Michigan-licensed wholesale distributor.
11. To the extent any statutes, rules, or regulations may be inconsistent with this order, strict compliance with them is temporarily suspended. This includes, but is not limited to: sections 17707(5), 17739(2)(c), 17739a(3), 17741(1)-(2), 17743, 17748, 17748a, 17748b, 17751, 17755(3), and 17763(b) of the Public Health Code, 1978 PA 368, as amended, MCL 333.17707(5), 333.17739(2)(c), 333.17739a(3), 333.17741(1)-(2), 333.17743, 333.17748, 333.17748a, 333.17748b, 333.17751, 333.17755(3), and 333.17763(b); and Rules 338.473(2), 338.473a(5)(a), 338.477(1)-(2), 338.482(2)-(3); 338.486(1)(b), 338.486(3), 338.489(3), 338.490(3), 338.490(4)(a), 338.490(5), 338.3041(4), and 338.3162(1) of the Michigan Administrative Code.
12. This order is effective immediately and continues through June 16, 2020 at 11:59 pm.
13. Consistent with MCL 10.33 and MCL 30.405(3), a willful violation of this order is a misdemeanor.
14. Executive Order 2020-56 is rescinded.

Given under my hand and the Great Seal of the State of Michigan.

Date: May 19, 2020

Time: 11:56 am

[SEAL]

GRETCHEN WHITMER

GOVERNOR

By the Governor:

JOCELYN BENSON

SECRETARY OF STATE

The message was referred to the Clerk.

Date: May 15, 2020  
Time: 12:55 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 5496 (Public Act No. 85 I.E.), being**

An act to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to protect the people’s right to hunt and fish; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending sections 11503 and 11504 (MCL 324.11503 and 324.11504), as amended by 2018 PA 640.

(Filed with the Secretary of State on May 15, 2020, at 1:41 p.m.)

### Introduction of Bills

Rep. Mueller introduced

**House Bill No. 5770, entitled**

A bill to amend 1976 PA 331, entitled “Michigan consumer protection act,” by amending sections 3, 5, and 11 (MCL 445.903, 445.905, and 445.911), section 3 as amended by 2018 PA 211 and section 5 as amended by 2006 PA 508, and by adding section 3l.

The bill was read a first time by its title and referred to the Committee on Commerce and Tourism.

Rep. Tyrone Carter introduced

**House Bill No. 5771, entitled**

A bill to make, supplement, and adjust appropriations for various state departments and agencies for the fiscal year ending September 30, 2020; and to provide for the expenditure of the appropriations.

The bill was read a first time by its title and referred to the Committee on Appropriations.

Rep. Tyrone Carter introduced

**House Bill No. 5772, entitled**

A bill to amend 2018 PA 338, entitled “Paid medical leave act,” by amending section 2 (MCL 408.962), as amended by 2018 PA 369, and by adding section 3a.

The bill was read a first time by its title and referred to the Committee on Health Policy.

Reps. Hoitenga and Lower introduced

**House Bill No. 5773, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 501 (MCL 324.501).

The bill was read a first time by its title and referred to the Committee on Natural Resources and Outdoor Recreation.

Reps. LaFave and Markkanen introduced

**House Bill No. 5774, entitled**

A bill to amend 1931 PA 328, entitled “The Michigan penal code,” by amending section 227 (MCL 750.227), as amended by 1986 PA 8.

The bill was read a first time by its title and referred to the Committee on Judiciary.

Reps. LaFave and Markkanen introduced

**House Bill No. 5775, entitled**

A bill to amend 1992 PA 147, entitled “Neighborhood enterprise zone act,” by amending section 2 (MCL 207.772), as amended by 2020 PA 3.

The bill was read a first time by its title and referred to the Committee on Commerce and Tourism.



Rep. LaFave introduced

**House Bill No. 5776, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 81133 (MCL 324.81133), as amended by 2018 PA 206.

The bill was read a first time by its title and referred to the Committee on Natural Resources and Outdoor Recreation.

Reps. Howell, Rendon and Bellino introduced

**House Bill No. 5777, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending sections 2104, 2132, and 2165 (MCL 324.2104, 324.2132, and 324.2165), sections 2104 and 2132 as amended by 2018 PA 238 and section 2165 as added by 2018 PA 240.

The bill was read a first time by its title and referred to the Committee on Natural Resources and Outdoor Recreation.

Rep. Ellison introduced

**House Bill No. 5778, entitled**

A bill to amend 1893 PA 206, entitled “The general property tax act,” (MCL 211.1 to 211.155) by adding section 9p.

The bill was read a first time by its title and referred to the Committee on Tax Policy.

Rep. Ellison introduced

**House Bill No. 5779, entitled**

A bill to provide for the exemption of certain property from certain taxes; to levy and collect a specific tax upon the owners of certain property; to provide for the disposition of that specific tax; to provide for the powers and duties of certain state and local governmental officers and entities; and to provide penalties.

The bill was read a first time by its title and referred to the Committee on Tax Policy.

Rep. Markkanen introduced

**House Bill No. 5780, entitled**

A bill to amend 1994 PA 451, entitled “Natural resources and environmental protection act,” by amending section 82123 (MCL 324.82123), as added by 1995 PA 58.

The bill was read a first time by its title and referred to the Committee on Natural Resources and Outdoor Recreation.

Reps. Webber, Sabo, Steven Johnson, Bollin, Slagh, Rendon, Paquette, Crawford, Hall, Huizenga, Kahle, Lightner, Meerman, Hood, Elder, Leutheuser and Reilly introduced

**House Bill No. 5781, entitled**

A bill to amend 1998 PA 58, entitled “Michigan liquor control code of 1998,” (MCL 436.1101 to 436.2303) by adding section 551.

The bill was read a first time by its title and referred to the Committee on Regulatory Reform.

Reps. Chirkun, Cherry, Jones, Gay-Dagnogo and Tyrone Carter introduced

**House Bill No. 5782, entitled**

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending sections 3, 31, 301, 305, 355, 385, 480, 491, 499e, 500d, 576, 579, 580, 653a, 654, 659, 660, 662, 668, 669, 672, 678, 679, 715, 720, 721, 723, 727, 731, 733, 736b, 736c, 736d, 736e, 737a, 741, 751, 754, 755a, 757, 759a, 759b, 761b, 764a, 764b, 765, 765a, 794, 795, 796, 797b, 811, 829, 931, and 932 (MCL 168.3, 168.31, 168.301, 168.305, 168.355, 168.385, 168.480, 168.491, 168.499e, 168.500d, 168.576, 168.579, 168.580, 168.653a, 168.654, 168.659, 168.660, 168.662, 168.668, 168.669, 168.672, 168.678, 168.679, 168.715, 168.720, 168.721, 168.723, 168.727, 168.731, 168.733, 168.736b, 168.736c, 168.736d, 168.736e, 168.737a, 168.741, 168.751, 168.754, 168.755a, 168.757, 168.759a, 168.759b, 168.761b, 168.764a, 168.764b, 168.765, 168.765a, 168.794, 168.795, 168.796, 168.797b, 168.811, 168.829, 168.931, and 168.932), sections 3, 491, 500d, 765, 811, and 829 as amended and sections 499e and 761b as added by 2018 PA 603, section 31 as amended by

2012 PA 271, sections 301 and 653a as amended by 2005 PA 71, section 305 as amended by 2010 PA 334, section 355 as amended by 2013 PA 51, section 385 as added by 2012 PA 586, section 480 as amended by 2012 PA 276, sections 576 and 579 as amended by 1996 PA 213, section 580 as amended by 1985 PA 160, section 659 as amended by 2014 PA 94, sections 662 and 727 as amended by 2004 PA 92, section 668 as amended by 2004 PA 96, sections 669, 679, 741, and 764b as amended by 2018 PA 120, sections 731 and 932 as amended by 1995 PA 261, sections 733 and 931 as amended by 1996 PA 583, sections 736b, 736c, 736d, and 736e as amended by 2018 PA 190, section 737a as amended by 2018 PA 611, section 755a as added by 2014 PA 79, section 759a as amended by 2012 PA 523, section 764a as amended by 2012 PA 128, section 765a as added by 2018 PA 123, section 794 as amended by 1992 PA 8, section 795 as amended by 2018 PA 127, and sections 796 and 797b as amended by 1990 PA 109, and by adding section 641a; and to repeal acts and parts of acts.

The bill was read a first time by its title and referred to the Committee on Elections and Ethics.

Reps. Tyrone Carter, Brixie, Anthony, Hood, Clemente, Kennedy, Gay-Dagnogo, Bolden, Rabhi, Koleszar, Sowerby, Ellison, Lasinski, Tate, Love, Stone, Cynthia Johnson, Kuppa, Manoogian and Garrett introduced

**House Bill No. 5783, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 234d (MCL 750.234d), as amended by 1994 PA 158.

The bill was read a first time by its title and referred to the Committee on Government Operations.

Reps. Brixie, Tyrone Carter, Anthony, Hood, Clemente, Kennedy, Gay-Dagnogo, Bolden, Rabhi, Koleszar, Sowerby, Ellison, Tate, Lasinski, Love, Stone, Cynthia Johnson, Kuppa, Manoogian and Garrett introduced

**House Bill No. 5784, entitled**

A bill to amend 1927 PA 372, entitled "An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices; to prohibit the buying, selling, or carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices without a license or other authorization; to provide for the forfeiture of firearms and electro-muscular disruption devices under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act," by amending section 5o (MCL 28.425o), as amended by 2017 PA 95.

The bill was read a first time by its title and referred to the Committee on Government Operations.

Reps. Cynthia Johnson, Kennedy, Tyrone Carter and Ellison introduced

**House Bill No. 5785, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," (MCL 333.1101 to 333.25211) by adding section 5137.

The bill was read a first time by its title and referred to the Committee on Health Policy.

Reps. Berman, Mueller, Yaroch, Wozniak, Chirkun and Garrett introduced

**House Bill No. 5786, entitled**

A bill to amend 1969 PA 317, entitled "Worker's disability compensation act of 1969," by amending sections 301, 321, 355, 361, and 401 (MCL 418.301, 418.321, 418.355, 418.361, and 418.401), sections 301, 361, and 401 as amended by 2011 PA 266, section 321 as amended by 1994 PA 271, and section 355 as amended by 1982 PA 32.

The bill was read a first time by its title and referred to the Committee on Commerce and Tourism.

Rep. Warren introduced

**House Bill No. 5787, entitled**

A bill to amend 1887 PA 128, entitled "An act establishing the minimum ages for contracting marriages; to require a civil license in order to marry and its registration; to provide for the implementation of federal

law; and to provide a penalty for the violation of this act,” by amending sections 2 and 3 (MCL 551.102 and 551.103), as amended by 2006 PA 578.

The bill was read a first time by its title and referred to the Committee on Judiciary.

Reps. Warren, Tate, Sowerby, Cynthia Johnson, Lasinski and Brixie introduced

**House Bill No. 5788, entitled**

A bill to amend 1949 PA 300, entitled “Michigan vehicle code,” by amending sections 307 and 315 (MCL 257.307 and 257.315), section 307 as amended by 2018 PA 604 and section 315 as amended by 2008 PA 7.

The bill was read a first time by its title and referred to the Committee on Elections and Ethics.

Reps. Warren, Tate, Sowerby, Cynthia Johnson, Lasinski and Brixie introduced

**House Bill No. 5789, entitled**

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending section 509o (MCL 168.509o), as amended by 2018 PA 126.

The bill was read a first time by its title and referred to the Committee on Elections and Ethics.

Reps. Love, Hood, Kennedy, Gay-Dagnogo, Tyrone Carter, Bolden, Sowerby, Ellison, Tate and Cynthia Johnson introduced

**House Bill No. 5790, entitled**

A bill to amend 1927 PA 372, entitled “An act to regulate and license the selling, purchasing, possessing, and carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices; to prohibit the buying, selling, or carrying of certain firearms, gas ejecting devices, and electro-muscular disruption devices without a license or other authorization; to provide for the forfeiture of firearms and electro-muscular disruption devices under certain circumstances; to provide for penalties and remedies; to provide immunity from civil liability under certain circumstances; to prescribe the powers and duties of certain state and local agencies; to prohibit certain conduct against individuals who apply for or receive a license to carry a concealed pistol; to make appropriations; to prescribe certain conditions for the appropriations; and to repeal all acts and parts of acts inconsistent with this act,” by amending section 15 (MCL 28.435), as added by 2000 PA 265.

The bill was read a first time by its title and referred to the Committee on Judiciary.

Reps. Warren, Tate, Cynthia Johnson, Lasinski, Koleszar and Brixie introduced

**House Joint Resolution R, entitled**

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 1 of article II, to provide that at a primary election a citizen who will be 18 years of age on or before the date of the next November election and who is otherwise qualified to vote may vote at that primary election.

The joint resolution was read a first time by its title and referred to the Committee on Elections and Ethics.

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Rep. Vaupel moved that the House adjourn.

The motion prevailed, the time being 3:10 p.m.

Associate Speaker Pro Tempore Hornberger declared the House adjourned until Wednesday, May 20, at 1:30 p.m.

GARY L. RANDALL  
Clerk of the House of Representatives

