

**No. 54**  
**STATE OF MICHIGAN**  
**JOURNAL**  
**OF THE**  
**House of Representatives**  
**100th Legislature**  
**REGULAR SESSION OF 2020**

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House Chamber, Lansing, Tuesday, June 16, 2020.

1:30 p.m.

The House was called to order by the Assistant Clerk.

The roll was called by the Clerk of the House of Representatives, who announced that a quorum was not present.

**Motions and Resolutions**

Rep. Berman offered the following resolution:

**House Resolution No. 277.**

A resolution discouraging local units of government from defunding or abolishing their local police departments.

Whereas, Recent incidents of injuries to and deaths of civilians in encounters with law enforcement officers have justifiably drawn attention to the organization and funding of police departments. Some advocates for change are going beyond calls for reforms, however, by demanding that local police departments be defunded or abolished; and

Whereas, Law enforcement is a necessary and vital function of our government at all levels. Police departments enforce the laws enacted by the Legislature to ensure public safety, protect the health and possessions of our citizens, and to prevent crime and civil disorder; and

Whereas, Michigan law enforcement officers are highly-trained and courageous individuals working in dangerous situations to protect the residents of Michigan; and

Whereas, The egregious misconduct and bias of some law enforcement officers demonstrates the need for reform, but efforts to defund or abolish local police departments gives credence to the incorrect notion that law enforcement generally is harmful to local communities, rather than a cornerstone of a safe and prosperous society; and

Whereas, Defunding or abolishing local police departments will burden remaining departments that may be called upon to provide assistance within municipalities that no longer have the resources to respond to emergency calls. Lack of policing resources will put citizens at risk, creating chaos and disorder; and

Whereas, The absence of law enforcement personnel in our cities and rural areas could affect the state's economy, discouraging businesses from locating here and out-of-state residents from visiting. An increase in crime would affect every Michigan resident's quality of life; now, therefore, be it

Resolved by the House of Representatives, That we discourage local units of government from defunding or abolishing their local police departments; and be it further

Resolved, That copies of this resolution be transmitted to the Michigan Townships Association, the Michigan Municipal League, the Michigan Association of Counties, the Michigan Association of Mayors, and the Michigan Association of Township Supervisors.

The resolution was referred to the Committee on Government Operations.

### **Announcement by the Clerk of Printing and Enrollment**

The Clerk announced the enrollment printing and presentation to the Governor on Thursday, June 11, for her approval of the following bill:

**Enrolled House Bill No. 5541 at 11:55 a.m.**

The Clerk announced that the following bills had been reproduced and made available electronically on Thursday, June 11:

**House Bill Nos. 5844 5845 5846 5847 5848 5849 5850 5851 5852 5853 5854 5855 5856 5857**

The Clerk announced that the following Senate bill had been received on Tuesday, June 16:

**Senate Bill No. 963**

The Clerk announced that the following bill had been reproduced and made available electronically on Tuesday, June 16:

**Senate Bill No. 969**

### **Reports of Standing Committees**

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

**House Bill No. 4437, entitled**

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 1801, 1803, 1804, 1806, and 1809 (MCL 339.1801, 339.1803, 339.1804, 339.1806, and 339.1809), section 1801 as amended by 2006 PA 300 and section 1806 as amended by 2013 PA 80, and by adding section 1806b.

to the Committee on Ways and Means with the recommendation that the substitute (H-5) be adopted.

### **Favorable Roll Call**

To Refer:

Yeas: Reps. Webber, Berman, Crawford, Farrington, Frederick, Hoytenga, Filler, Hall, Wendzel, Chirkun, Liberati 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: Tuesday, June 16, 2020

Present: Reps. Webber, Berman, Crawford, Farrington, Frederick, Hoytenga, Filler, Hall, Wendzel, Chirkun, Liberati and Cynthia Neeley

Absent: Reps. Cambensy, Jones and Garza

Excused: Reps. Cambensy, Jones and Garza

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

**House Bill No. 5334, entitled**

A bill to amend 2001 PA 142, entitled "Michigan memorial highway act," (MCL 250.1001 to 250.2084) by adding section 16d.

to the Committee on Ways and Means.

## Favorable Roll Call

## To Refer:

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

Nays: None

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

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

**Senate Bill No. 517, 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 amending the title, as amended by 2010 PA 135, and by adding section 10r.

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, Sheppard, Alexander, Bellino, Howell, Sneller, Clemente and Haadisma

Nays: Reps. Cole, Afendoulis and Shannon

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

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

**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.

to the Committee on Ways and Means.

## Favorable Roll Call

## To Refer:

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

Nays: None

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

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

**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.

to the Committee on Ways and Means.

## Favorable Roll Call

## To Refer:

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

Nays: None

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

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

**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.

to the Committee on Ways and Means.

## Favorable Roll Call

## To Refer:

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

Nays: None

The bill was 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, June 16, 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. 5051, entitled**

A bill to amend 1974 PA 154, entitled "Michigan occupational safety and health act," by amending sections 4, 35, and 36 (MCL 408.1004, 408.1035, and 408.1036), section 4 as amended by 2012 PA 416 and sections 35 and 36 as amended by 1991 PA 105.

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, Rendon, LaGrand, Guerra, Elder, Yancey and Bolden  
Nays: Reps. Steven Johnson and Wozniak

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

**House Bill No. 5153, entitled**

A bill to amend 1982 PA 250, entitled "Child abuse and neglect prevention act," by amending section 2 (MCL 722.602), as amended by 2018 PA 60.

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, Steven Johnson, Rendon, Wozniak, LaGrand, Guerra, Elder and Yancey  
Nays: None

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

**House Bill No. 5795, entitled**

A bill to amend 1998 PA 386, entitled "Estates and protected individuals code," by amending section 2502 (MCL 700.2502) and by adding section 2504a.

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, Steven Johnson, Rendon, Berman, Wozniak, LaGrand, Guerra and Elder  
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: Thursday, June 11, 2020

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

Absent: Reps. LaFave and Howell

Excused: Reps. LaFave and Howell

**Messages from the Governor**

The following message from the Governor was received June 11, 2020 and read:

**EXECUTIVE ORDER**

**No. 2020-118**

**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 2020-85**

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 (EMA), MCL 30.401 et seq., and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended (EPGA), 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 EPGA, as well as Executive Order 2020-68 to issue new emergency and disaster declarations under the EMA.

Those executive orders have been challenged in *Michigan House of Representatives and Michigan Senate v. Whitmer*. On May 21, 2020, the Court of Claims ruled that Executive Order 2020-67 is a valid exercise of authority under the Emergency Powers of the Governor Act but that Executive Order 2020-68 is not a valid exercise of authority under the Emergency Management Act. Both of those rulings are being challenged on appeal.

On May 22, 2020, I issued Executive Order 2020-99, again finding that the COVID-19 pandemic constitutes a disaster and emergency throughout the State of Michigan. That order constituted a state of emergency declaration under the Emergency Powers of the Governor Act of 1945. And, to the extent the governor may declare a state of emergency and a state of disaster under the Emergency Management Act when emergency and disaster conditions exist yet the legislature has declined to grant an extension request, that order also constituted a state of emergency and state of disaster declaration under that act.

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 2020-85 and its predecessors, which temporarily prohibited removal or exclusion of a tenant or mobile home owner from their residential premises, were issued because removing or excluding people from their residences was likely to exacerbate the public health threat of COVID-19. This order further extends those policies, 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 2020-85 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 30, 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 30, 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 30, 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, undersheriff 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 30, 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 30, 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 2020-85 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: June 11, 2020

Time: 8:38 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 June 11, 2020 and read:

**EXECUTIVE ORDER**

**No. 2020-119**

**Temporary COVID-19 protocols for entry into Michigan Department of Corrections facilities and transfers to and from Department custody; temporary recommended COVID-19 protocols and enhanced early-release authorization for county jails, local lockups, and juvenile detention centers**

**Rescission of Executive Order 2020-62**

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 (EMA), MCL 30.401 et seq., and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended (EPGA), 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 EPGA, as well as Executive Order 2020-68 to issue new emergency and disaster declarations under the EMA.

Those executive orders have been challenged in *Michigan House of Representatives and Michigan Senate v. Whitmer*. On May 21, 2020, the Court of Claims ruled that Executive Order 2020-67 is a valid exercise of authority under the Emergency Powers of the Governor Act but that Executive Order 2020-68 is not a valid exercise of authority under the Emergency Management Act. Both of those rulings are being challenged on appeal.

On May 22, 2020, I issued Executive Order 2020-99, again finding that the COVID-19 pandemic constitutes a disaster and emergency throughout the State of Michigan. That order constituted a state of emergency declaration under the Emergency Powers of the Governor Act of 1945. And, to the extent the governor may declare a state of emergency and a state of disaster under the Emergency Management Act when emergency and disaster conditions exist yet the legislature has declined to grant an extension request, that order also constituted a state of emergency and state of disaster declaration under that act.

To mitigate the spread of COVID-19, protect the public health, and provide essential protections to vulnerable Michiganders who work at or are incarcerated in prisons, county jails, local lockups, and juvenile detention centers across the state, it is reasonable and necessary to implement limited and temporary COVID-19-related protocols and procedures regarding entry into facilities operated by the Michigan Department of Corrections and transfers to and from the Department's custody; to recommend limited and temporary COVID-19-related protocols and measures for county jails, local lockups, and juvenile detention centers; and to temporarily suspend certain rules and procedures to facilitate the implementation of those recommendations.

Executive Order 2020-29 took these steps. Executive Order 2020-62 extended their duration and Executive Order 2020-100 extended that order's duration further. This order extends the duration of these steps again, 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 2020-62 is rescinded.

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

1. The Michigan Department of Corrections (the "Department") must continue to implement risk reduction protocols to address COVID-19 ("risk reduction protocols"), which the Department has already developed and implemented at the facilities it operates and which include the following:
  - (a) Screening all persons arriving at or departing from a facility, including staff, incarcerated persons, vendors, and any other person entering the facility, in a manner consistent with guidelines issued by the Centers for Disease Control and Prevention ("CDC"). Such screening includes a temperature reading and obtaining information about travel and any contact with persons under investigation for COVID-19 infection.
  - (b) Restricting all visits, except for attorney-related visits, and conducting those visits without physical contact to the extent feasible.
  - (c) Limiting off-site appointments for incarcerated persons to only appointments for urgent or emergency medical treatment.
  - (d) Developing and implementing protocols for incarcerated persons who display symptoms of COVID-19, including methods for evaluation and processes for testing, notification of the Department of Health and Human Services ("DHHS"), and isolation during testing, while awaiting test results, and in the event of positive test results. These protocols should be developed in consultation with local public health departments.
  - (e) Notifying DHHS of any suspected case that meets the criteria for COVID-19 through communication with the applicable local public health department.
  - (f) Providing, to the fullest extent possible, appropriate personal protective equipment to all staff as recommended by the CDC.
  - (g) Conducting stringent cleaning of all areas and surfaces, including frequently touched surfaces (such as doorknobs, handles, light switches, keyboards, etc.), on a regular and ongoing basis.
  - (h) Ensuring access to personal hygiene products for incarcerated persons and correctional staff, including soap and water sufficient for regular handwashing.



- (i) Ensuring that protective laundering protocols are in place.
  - (j) Posting signage and continually educating on the importance of social distancing, handwashing, and personal hygiene.
  - (k) Practicing social distancing in all programs and classrooms—meaning a distance of at least six feet between people in any meeting, classroom, or other group.
  - (l) Minimizing crowding, including interactions of groups of 10 or more people, which may include scheduling more times for meal and recreation to reduce person-to-person contact.
2. To mitigate the risk of COVID-19 spreading in county jails, strict compliance with the capacity and procedural requirements regarding county jail overcrowding states of emergency in the County Jail Overcrowding Act (“CJOA”), 1982 PA 325, MCL 801.51 et seq., is temporarily suspended. While this order is in effect, all actions that would be authorized under the CJOA in the event of a declaration of a county jail overcrowding state of emergency are authorized and shall remain authorized without regard to any reduction in jail population or any other such limitations on the duration of authorization imposed by the CJOA.
  3. Anyone authorized to act under section 2 of this order is strongly encouraged to consider early release for all of the following, so long as they do not pose a public safety risk:
    - (a) Older people, people who have chronic conditions or are otherwise medically frail, people who are pregnant, and people nearing their release date.
    - (b) Anyone who is incarcerated for a traffic violation.
    - (c) Anyone who is incarcerated for failure to appear or failure to pay.
    - (d) Anyone with behavioral health problems who can safely be diverted for treatment.
  4. Effective immediately, all transfers into the Department’s custody are temporarily suspended. Beginning seven (7) days from the effective date of this order, and no more than once every seven (7) days, a county jail or local lockup may request that the director of the Department determine that the jail or lockup has satisfactorily implemented risk reduction protocols as described in section 1 of this order. Upon inspection, if the director of the Department determines that a county jail or local lockup has satisfactorily implemented risk reduction protocols, transfers from that jail or lockup will resume in accordance with the Department’s risk reduction protocols. The director of the Department may reject transfers that do not pass the screening protocol for entry into a facility operated by the Department.
  5. Parole violators in the Department’s custody must not be transported to or lodged in a county jail or local lockup unless the director of the Department has determined that such county jail or local lockup has satisfactorily implemented risk reduction protocols as described in section 1 of this order.
  6. The State Budget Office must immediately seek a legislative transfer so that counties may be reimbursed for lodging incarcerated persons that would have been transferred into the Department’s custody if not for the suspension of transfers described in section 4 of this order.
  7. Juvenile detention centers are strongly encouraged to reduce the risk that those at their facilities will be exposed to COVID-19 by implementing as feasible the following measures:
    - (a) Removing from the general population any juveniles who have COVID-19 symptoms.
    - (b) Eliminating any form of juvenile detention or residential facility placement for juveniles unless a determination is made that a juvenile is a substantial and immediate safety risk to others.
    - (c) Providing written and verbal communications to all juveniles at such facilities regarding COVID-19, access to medical care, and community-based support.
    - (d) To the extent feasible, facilitating access to family, education, and legal counsel through electronic means (such as telephone calls or video conferencing) at no cost, rather than through in-person meetings.
  8. Unless otherwise directed by court order, for juveniles on court-ordered probation, the use of out-of-home confinement for technical violations of probation and any requirements for in-person meetings with probation officers are temporarily suspended.
  9. This order is effective immediately and continues through July 9, 2020 at 11:59 pm.
  10. Executive Order 2020-62 is rescinded.

Given under my hand and the Great Seal of the State of Michigan.  
 Date: June 11, 2020  
 Time: 8:40 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 June 12, 2020 and read:

## EXECUTIVE ORDER

No. 2020-120

### Returning overnight camps to operation

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 (EMA), MCL 30.401 et seq., and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended (EPGA), 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.

Those executive orders have been challenged in *Michigan House of Representatives and Michigan Senate v Whitmer*. On May 21, 2020, the Court of Claims ruled that Executive Order 2020-67 is a valid exercise of authority under the Emergency Powers of the Governor Act but that Executive Order 2020-68 is not a valid exercise of authority under the Emergency Management Act. Both of those rulings are being challenged on appeal.

On May 22, 2020, I issued Executive Order 2020-99, again finding that the COVID-19 pandemic constitutes a disaster and emergency throughout the State of Michigan. That order constituted a state of emergency declaration under the Emergency Powers of the Governor Act of 1945. And, to the extent the governor may declare a state of emergency and a state of disaster under the Emergency Management Act when emergency and disaster conditions exist yet the legislature has declined to grant an extension request, that order also constituted a state of emergency and state of disaster declaration under that act.

The Emergency Powers of the Governor Act provides a sufficient legal basis for issuing this executive order. In relevant part, it 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).

Nevertheless, subject to the ongoing litigation and the possibility that current rulings may be overturned or otherwise altered on appeal, I also invoke the Emergency Management Act as a basis for executive action to combat the spread of COVID-19 and mitigate the effects of this emergency on the people of Michigan, with the intent to preserve the rights and protections provided by the EMA. The EMA 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). This executive order falls within the scope of those powers and duties, and to the extent the governor may declare a state of emergency and a state of disaster under the Emergency Management Act when emergency and disaster conditions exist yet the legislature has not granted an extension request, they too provide a sufficient legal basis for this order.

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 was 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, 2020-77, 2020-92, 2020-96, 2020-110, and 2020-115, 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 continues to drop. Although the virus remains aggressive and persistent—on June 11, 2020, Michigan reported 59,496 confirmed cases and 5,737 deaths—the strain on our health care system has begun to relent, even as our testing capacity has increased. We are now in the process of gradually resuming in-person work and activities. 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.

After considering the public health data, I find it reasonable and necessary at this point to allow overnight camps to resume operations as of June 15, 2020, subject to guidance from the Department of Licensing and Regulatory Affairs. I likewise find it reasonable and necessary to lift its suspension of school sports activities and other in-person extracurricular school activities, subject to rules on social distancing and the closure of indoor exercise facilities.

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

1. Notwithstanding any other executive order, residential, travel, and troop camps within the meaning of Rule 400.11101(n), (p), or (q) of the Michigan Administrative Code may open as of 12:01 am on June 15, 2020, subject to guidance issued by the Department of Licensing and Regulatory Affairs.
2. Section I(1) of Executive Order 2020-65 is amended by striking the second sentence and replacing it with: “Consistent with the rules described in Executive Order 2020-110 (including any rules on social distancing and the closure of indoor exercise facilities) and Executive Order 2020-115, whichever order applies to the region in which the school is located, and any orders that follow from them, K-12 school sports activities and other in-person extracurricular school activities may resume.”

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

Date: June 12, 2020

Time: 12:18 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 June 12, 2020 and read:

## EXECUTIVE ORDER

No. 2020-121

### Department of State Police Michigan Commission on Law Enforcement Standards

#### Executive Reorganization

Effective policing that promotes safety, security, and justice for all Michiganders requires participation in setting policing standards from a broad range of individuals, including Michigan residents from outside the law enforcement community.

Adding members to the Michigan Commission on Law Enforcement Standards, which develops the licensing and training standards for law enforcement officers in this state, will bring a more diverse range of voices to this important task and promote democratic accountability.

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

Section 2 of article 5 of the Michigan Constitution of 1963 empowers the governor to make changes in the organization of the executive branch of state government or in the assignment of functions among its units that the governor considers necessary for efficient administration.

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

1. The Michigan Commission on Law Enforcement Standards (the Commission) created by section 3 of the Michigan Commission on Law Enforcement Standards Act (the MCOLES Act), 1965 PA 203, as amended, MCL 28.603, is expanded to include the following additional members:
  - (a) The director of the Michigan Department of Civil Rights, or his or her designated representative from within that department.

- (b) Three residents of this state appointed by the governor with the advice and consent of the Michigan Senate.
2. A member appointed under section 1(b) of this order must not be a law enforcement officer, a Michigan tribal law enforcement officer, or be employed by or otherwise affiliated with a law enforcement agency or a law enforcement training academy.
  3. Of the Commission members initially appointed under section 1(b) of this order, one must be appointed for an initial term expiring on December 31, 2021, one must be appointed for an initial term expiring on December 31, 2022, and one must be appointed for an initial term expiring on December 31, 2023. After the initial term, the members will be appointed for terms of four years. A vacancy occurring other than by expiration of a term will be filled in the same manner as the original appointment for the remainder of the unexpired term.
  4. As used in this order, “law enforcement agency”, “law enforcement officer”, “law enforcement training academy”, and “Michigan tribal law enforcement officer” mean those terms as defined in section 2 of the MCOLES Act, MCL 28.602.
  5. Consistent with section 2 of article 5 of the Michigan Constitution of 1963, this order is effective on August 12, 2020 at 12:01 a.m.

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

Date: June 12, 2020

Time: 12:30 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 June 12, 2020 and read:

## EXECUTIVE ORDER

No. 2020-122

### Ending the extension of case-initiation deadlines

#### Rescission of Executive Order 2020-58

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. Older adults and those with chronic health conditions are at particular risk, and there is an increased risk of rapid spread of COVID-19 among persons in close proximity to one another. 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 (EMA), MCL 30.401 et seq., and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended (EPGA), 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 EPGA, as well as Executive Order 2020-68 to issue new emergency and disaster declarations under the EMA.

Those executive orders have been challenged in *Michigan House of Representatives and Michigan Senate v. Whitmer*. On May 21, 2020, the Court of Claims ruled that Executive Order 2020-67 is a valid exercise of authority under the Emergency Powers of the Governor Act but that Executive Order 2020-68 is not a valid exercise of authority under the Emergency Management Act. Both of those rulings are being challenged on appeal.

On May 22, 2020, I issued Executive Order 2020-99, again finding that the COVID-19 pandemic constitutes a disaster and emergency throughout the State of Michigan. That order constituted a state of emergency declaration under the Emergency Powers of the Governor Act of 1945. And, to the extent the governor may declare a state of emergency and a state of disaster under the Emergency Management Act when emergency and disaster conditions exist yet the legislature has declined to grant an extension request, that order also constituted a state of emergency and state of disaster declaration under that act.

In March 2020, the Michigan Supreme Court issued Administrative Order 2020-3, which amended the manner of calculation of days for purposes of filing deadlines under MCR 1.108(1) for all civil and probate matters by providing that any day falling within the declared state of emergency would not count toward the limitation period. On April 22, 2020, I issued Executive Order 2020-58, which, consistent with Administrative Order 2020-3, suspended all deadlines applicable to the commencement of all civil and probate actions and proceedings.

Michigan's emergency response has been effective in suppressing the spread of the COVID-19. The number of new confirmed cases each day has been steadily in decline, and the strain on our health care system's operational capacity has relented. As a result of this progress, Michigan has been able to gradually resume in-person work and activities with certain safety measures in place, including a wider range of judicial activities.

In light of this transition, the temporary extension of deadlines for statutes of limitations provided by Executive Order 2020-58 will no longer be necessary as soon as the Michigan Supreme Court provides for the resumption of computation of days as normal, beginning June 20, 2020.

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

1. Consistent with Michigan Supreme Court Administrative Order No. 2020-18, all deadlines applicable to the commencement of all civil and probate actions and proceedings, including but not limited to any deadline for the filing of an initial pleading and any statutory notice provision or other prerequisite related to the deadline for filing of such a pleading, are tolled from March 10, 2020 to June 19, 2020.
2. Executive Order 2020-58 will remain in effect through June 19, 2020. Effective June 20, 2020 at 12:01 am, Executive Order 2020-58 is rescinded.

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

Date: June 12, 2020

Time: 4:42 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 June 15, 2020 and read:

### EXECUTIVE ORDER

No. 2020-123

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

#### Rescission of Executive Order 2020-95

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. Older adults and those with chronic health conditions are at particular risk, and there is an increased risk of rapid spread of COVID-19 among persons in close proximity to one another. 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 (EMA), MCL 30.401 et seq., and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended (EPGA), 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 EPGA, as well as Executive Order 2020-68 to issue new emergency and disaster declarations under the EMA.

Those executive orders have been challenged in *Michigan House of Representatives and Michigan Senate v. Whitmer*. On May 21, 2020, the Court of Claims ruled that Executive Order 2020-67 is a valid exercise of authority under the Emergency Powers of the Governor Act but that Executive Order 2020-68 is not a valid exercise of authority under the Emergency Management Act. Both of those rulings are being challenged on appeal.

On May 22, 2020, I issued Executive Order 2020-99, again finding that the COVID-19 pandemic constitutes a disaster and emergency throughout the State of Michigan. That order constituted a state of emergency declaration under the Emergency Powers of the Governor Act of 1945. And, to the extent the governor may declare a state of emergency and a state of disaster under the Emergency Management Act when emergency and disaster conditions exist yet the legislature has declined to grant an extension request, that order also constituted a state of emergency and state of disaster declaration under that act.

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 provide enhanced protections for residents and employees of long-term care facilities during this unprecedented crisis.

Executive Order 2020-50 provided such protections. Executive Order 2020-84 extended the duration of those protections, and Executive Order 2020-95 extended it further and adjusted the scope of those protections. This order extends the duration of those protections because it remains necessary to suppress the spread of COVID-19 and protect the public health and safety of this state and its residents, especially among the vulnerable populations of long-term care facilities. With this order, Executive Order 2020-95 is rescinded.

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 this order or relevant guidance issued by the Department of Health and Human Services (“DHHS”).
3. The following apply to a resident that voluntarily obtained housing outside of a long-term care facility such as by moving in with a family member (but not to a resident who was hospitalized) during any state of emergency or state of disaster arising out of the COVID-19 pandemic:
  - (a) The resident does not forfeit any right to return that would have been available to the resident under state or federal law had they been hospitalized or placed on therapeutic leave. Nothing in this section affects the rights of a resident who was hospitalized or placed on therapeutic leave.

- (b) Except as provided in subsection (c), as soon as capacity allows, 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.
  - (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. A facility must not accept the return of a COVID-19-positive resident if the facility does not have a dedicated unit or regional hub meeting the requirements of this order.
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;
  - (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. Except as otherwise provided by an advance directive, 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 must make all reasonable efforts to create a unit dedicated to the care and isolation of COVID-19-affected residents ("dedicated unit").
  - (a) A nursing home with a dedicated unit must provide appropriate PPE to direct-care employees who staff the dedicated unit.
  - (b) A nursing home provider that operates multiple facilities may create a dedicated unit by designating a facility for such a purpose.
  - (c) A nursing home must not create or maintain a dedicated unit unless it can implement effective and reliable infection control procedures.
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, 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, it must attempt to transfer the COVID-19-affected resident to a regional hub, an alternate care facility with physical and operational capacity to care for the resident, or an available swing bed at a hospital.
  - (c) If a transfer under subsection (b) of this section is not possible, the long-term care facility must attempt to send the resident to a hospital within the state that has available bed capacity.
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, the hospital must conduct testing consistent with best practices identified by the CDC prior to discharge. Discharge may be made to

- any of the following: a regional hub, the facility where the resident resided prior to hospitalization, an alternate care facility with physical and operational capacity to care for the resident, or an available swing bed.
6. Discharge destinations should be determined consistent with CDC and DHHS guidelines. Decisionmakers should consider patient safety, the safety of the residents of any destination facility, the wishes of the patient and patient's family, and any guidance or recommendations from the local health department. However, a resident may only be discharged to a facility capable of safely isolating the resident, consistent with any applicable CDC and DHHS guidelines.
  7. Until an acceptable discharge destination is identified, the individual must remain in the care of the hospital where they reside.
  8. 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.
  9. 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 (if reachable) of the transfer or discharge within 24 hours.
  10. The department of licensing and regulatory affairs is authorized to take action to assure proper level of care and services in connection with this order, consistent with section 21799b of the Public Health Code, MCL 333.21799b, and any other relevant provisions of law.
  11. 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).
  12. 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.
  - (c) "Appropriate PPE" means the PPE that DHHS recommends in relevant guidance.
  - (d) "Assisted living facility" means an unlicensed establishment that offers community-based residential care for at least three unrelated adults who are either over the age of 65 or need assistance with activities of daily living (ADLs), including personal, supportive, and intermittent health-related services available 24-hours a day.
  - (e) "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.
  - (f) "Home for the aged" has the same meaning as provided by section 20106(3) of the Public Health Code, MCL 333.20106(3).
  - (g) "Long-term care facility" means a nursing home, home for the aged, adult foster care facility, or assisted living facility.
  - (h) "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.
  - (i) "Nursing home" has the same meaning as provided by section 20109(1) of the Public Health Code, MCL 333.20109(1).
  - (j) "Person under investigation" means a person who is currently under investigation for having the virus that causes COVID-19.
  - (k) "Principal symptoms of COVID-19" are fever, atypical cough, or atypical shortness of breath.



- (l) "Regional hub" means a nursing home that is designated by DHHS as a dedicated facility to temporarily and exclusively care for and isolate COVID-19-affected residents. A regional hub must accept COVID-19-affected residents in accordance with relevant DHHS orders and guidance.
- (m) "Swing bed" has the meaning provided by 42 CFR 413.114(b).
- 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 July 12, 2020.
- 4. Executive Order 2020-95 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: June 15, 2020

Time: 2:21 pm

[SEAL]

GRETCHEN WHITMER

GOVERNOR

By the Governor:

JOCELYN BENSON

SECRETARY OF STATE

The message was referred to the Clerk.

**Introduction of Bills**

Reps. Wozniak, Green, Paquette, Rendon, Howell, Shannon, Marino, Brixie, Bolden, Calley, O'Malley, Hood, Sabo, Crawford, Allor, Tate, Lasinski, Kuppa, Meerman, Manoogian, Gay-Dagnogo, Warren, Webber, Yancey, Yaroch, Frederick, Vaupel, Mueller, Berman, Liberati, Anthony, Rabhi and LaGrand introduced

**House Bill No. 5858, entitled**

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending section 3157 (MCL 500.3157), as amended by 2019 PA 21.

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

Reps. Green and Hernandez introduced

**House Bill No. 5859, entitled**

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 803 and 807 (MCL 600.803 and 600.807), section 803 as amended by 2012 PA 36 and section 807 as amended by 2004 PA 492.

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

Rep. Green introduced

**House Bill No. 5860, entitled**

A bill to amend 1954 PA 116, entitled "Michigan election law," (MCL 168.1 to 168.992) by adding section 685a.

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

**Announcements by the Clerk**

June 11, 2020

Received from Michigan Children's Trust Fund the 2020-2021 Biennial State Plan for Strengthening Michigan's Children & Families in accordance with Public Act 250 of 1982, Section 722.606.

Gary L. Randall

Clerk of the House

The Assistant Clerk declared the House adjourned until Wednesday, June 17, at 1:30 p.m.

GARY L. RANDALL  
Clerk of the House of Representatives