

HOUSE BILL NO. 5544

March 05, 2024, Introduced by Reps. Carra, Schuette, Smit, Bierlein, Bollin, Outman, Markkanen, Cavitt, Hoadley, BeGole, Rigas, Kunse, Thompson, DeBoyer, Fox, Beeler, Borton, Friske, Neyer and Alexander and referred to the Committee on Government Operations.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 2253 and 2453 (MCL 333.2253 and 333.2453), as
amended by 2022 PA 274.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2253. (1) Subject to subsections (4) and (5) **and except**
2 **as otherwise provided in subsection (6)**, if the director determines
3 that control of an epidemic is necessary to protect the public
4 health, the director by emergency order may make a declaration of

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

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

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

15 (4) Beginning June 1, 2023, an emergency order issued under
16 subsection (1) may prohibit or otherwise limit any visitation of a
17 patient or resident in a qualified health care facility for a
18 period not to exceed 30 days after the date the director first
19 declares that control of the epidemic is necessary to protect the
20 public health.

21 (5) Beginning June 1, 2023, because LINDA, after 30 days after
22 the director first declares that control of an epidemic is
23 necessary to protect the public health in an emergency order issued
24 under subsection (1), all of the following apply:

25 (a) Subject to subdivision (b), the emergency order must not
26 prohibit or otherwise limit a patient representative from visiting
27 a patient or resident with a cognitive impairment in a qualified
28 health care facility.

29 (b) The emergency order may do any of the following:

1 (i) Implement reasonable safety measures before or during a
2 patient representative's visit to a patient or resident with a
3 cognitive impairment in the qualified health care facility,
4 including, but not limited to, prescreening or testing a patient
5 representative, imposing a visit duration on a patient
6 representative, restricting the number of patient representatives
7 who may visit at 1 time, and requiring a patient representative to
8 preschedule a visit.

9 (ii) Establish procedures for the visitation of a patient or
10 resident with a cognitive impairment in a qualified health care
11 facility, if the director determines that establishing the
12 procedures is vital to maintaining a safe health care
13 infrastructure in this state. The director shall consult with
14 qualified health care facilities before establishing procedures
15 under this subparagraph.

16 **(6) An emergency order issued under this section must not**
17 **prohibit, suspend, or limit the operations of a church or religious**
18 **organization for purposes of worship services.**

19 (7) ~~(6)~~—As used in this section:

20 (a) "Assisted living facility" means an unlicensed entity that
21 offers community-based residential care for at least 3 unrelated
22 adults who are 65 years of age or older or who need assistance with
23 activities of daily living that are available 24 hours a day,
24 including, but not limited to, personal, supportive, or
25 intermittent health-related services.

26 (b) "Cognitive impairment" means a deficiency in the patient's
27 or resident's mental capability or loss of intellectual ability,
28 either of which affects the patient's or resident's comprehension,
29 decision-making, reasoning, adaptive functioning, judgment,

1 learning, or memory and that materially affects the patient's or
2 resident's ability to function. A cognitive impairment may be a
3 temporary short-term change in cognition, a medically induced
4 change in cognition, or a long-term ongoing change in cognition.

5 (c) "Family member" means an individual related to a patient
6 or resident by blood, marriage, or adoption who is within the fifth
7 degree of kinship to the patient or resident.

8 (d) "LINDA" means loved individuals need dedicated attention.

9 (e) "Patient representative" means any of the following:

10 (i) A family member.

11 (ii) A patient advocate as that term is defined in section 1106
12 of the estates and protected individuals code, 1998 PA 386, MCL
13 700.1106.

14 (iii) An individual who is named as the attorney-in-fact under a
15 durable or nondurable power of attorney for the patient or
16 resident.

17 (f) "Qualified health care facility" means any of the
18 following:

19 (i) A health facility or agency as that term is defined in
20 section 20106.

21 (ii) An assisted living facility.

22 (iii) A physician's private practice office.

23 Sec. 2453. (1) Subject to subsections (3) and (4) **and except**
24 **as otherwise provided in subsection (5)**, if a local health officer
25 determines that control of an epidemic is necessary to protect the
26 public health, the local health officer by emergency order may make
27 a declaration of that determination and may within that emergency
28 order prohibit the gathering of people for any purpose and
29 establish procedures to be followed by persons, including a local

1 governmental entity, during the epidemic to ensure continuation of
2 essential public health services and enforcement of health laws.
3 Emergency procedures are not limited to this code.

4 (2) A local health department or the department may provide
5 for the involuntary detention and treatment of individuals with
6 hazardous communicable disease in the manner prescribed in sections
7 5201 to 5210.

8 (3) Beginning June 1, 2023, an emergency order issued under
9 subsection (1) may prohibit or otherwise limit any visitation of a
10 patient or resident in a qualified health care facility for a
11 period not to exceed 30 days after the date the local health
12 officer first declares that control of the epidemic is necessary to
13 protect the public health.

14 (4) Beginning June 1, 2023, because LINDA, after 30 days after
15 the local health officer first declares that control of an epidemic
16 is necessary to protect the public health in an emergency order
17 issued under subsection (1), all of the following apply:

18 (a) Subject to subdivision (b), the emergency order must not
19 prohibit or otherwise limit a patient representative from visiting
20 a patient or resident with a cognitive impairment in a qualified
21 health care facility.

22 (b) The emergency order may do any of the following:

23 (i) Implement reasonable safety measures before or during a
24 patient representative's visit to a patient or resident with a
25 cognitive impairment in the qualified health care facility,
26 including, but not limited to, prescreening or testing a patient
27 representative, imposing a visit duration on a patient
28 representative, restricting the number of patient representatives
29 who may visit at 1 time, and requiring a patient representative to

1 preschedule a visit.

2 (ii) Establish procedures for the visitation of a patient or
 3 resident with a cognitive impairment in a qualified health care
 4 facility if the local health officer determines that establishing
 5 the procedures is vital to maintaining a safe health care
 6 environment. The local health officer shall consult with qualified
 7 health care facilities before establishing procedures under this
 8 subparagraph.

9 **(5) An emergency order issued under this section must not**
 10 **prohibit, suspend, or limit the operations of a church or religious**
 11 **organization for purposes of worship services.**

12 (6) ~~(5)~~—As used in this section:

13 (a) "Assisted living facility" means an unlicensed entity that
 14 offers community-based residential care for at least 3 unrelated
 15 adults who are 65 years of age or older or who need assistance with
 16 activities of daily living that are available 24 hours a day,
 17 including, but not limited to, personal, supportive, or
 18 intermittent health-related services.

19 (b) "Cognitive impairment" means a deficiency in the patient's
 20 or resident's mental capability or loss of intellectual ability,
 21 either of which affects the patient's or resident's comprehension,
 22 decision-making, reasoning, adaptive functioning, judgment,
 23 learning, or memory and that materially affects the patient's or
 24 resident's ability to function. A cognitive impairment may be a
 25 temporary short-term change in cognition, a medically induced
 26 change in cognition, or a long-term ongoing change in cognition.

27 (c) "Family member" means an individual related to a patient
 28 or resident by blood, marriage, or adoption who is within the fifth
 29 degree of kinship to the patient or resident.

1 (d) "LINDA" means loved individuals need dedicated attention.

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8 durable or nondurable power of attorney for the patient or
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