

HOUSE BILL NO. 5648

April 23, 2024, Introduced by Reps. Borton, Aragona, Bierlein and DeBoyer and referred to the Committee on Government Operations.

A bill to provide compensation to food establishments for costs incurred because of orders issued because of COVID-19.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act may be cited as the "COVID-19 food
2 establishment compensation act".

3 Sec. 2. As used in this act:

4 (a) "COVID-19 order" means an order issued in response to
5 COVID-19 by the governor or another officer of the executive branch
6 or by an officer of a unit of local government under any of the

1 following:

2 (i) Former 1945 PA 302.

3 (ii) The emergency management act, 1976 PA 390, MCL 30.401 to
4 30.421.

5 (iii) Section 2253 or 2453 of the public health code, 1978 PA
6 368, MCL 333.2253 and 333.2453.

7 (b) "Food service establishment" means that term as defined in
8 section 1107 of the food law of 2000, 2000 PA 92, MCL 289.1107.

9 (c) "Person" means an individual or a partnership,
10 corporation, limited liability company, association, governmental
11 entity, or other legal entity.

12 Sec. 3. (1) A person that operated a food service
13 establishment that was issued a citation because, in operating the
14 food service establishment, the person violated a COVID-19 order,
15 may bring an action against this state to recover expenses incurred
16 because of the citation.

17 (2) All of the following expenses may be recovered in an
18 action under this section:

19 (a) Actual costs incurred in contesting the citation,
20 including, but not limited to, actual attorney fees.

21 (b) A fine paid for the violation.

22 Sec. 4. For purposes of the law of this state, including, but
23 not limited to, sections 6431 and 6452 of the revised judicature
24 act of 1961, 1961 PA 236, MCL 600.6431 and 600.6452, a claim under
25 this act accrues on the effective date of this act.