

**SUBSTITUTE FOR
SENATE BILL NO. 450**

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 2253 and 2453 (MCL 333.2253 and 333.2453),
section 2253 as amended by 2006 PA 157.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2253. (1) ~~If~~**Subject to subsections (4) and (5), if** the
2 director determines that control of an epidemic is necessary to
3 protect the public health, the director by emergency order may **make**
4 **a declaration of that determination and may within that emergency**
5 **order** prohibit the gathering of people for any purpose and ~~may~~
6 establish procedures to be followed during the epidemic to ~~insure~~
7 **ensure** continuation of essential public health services and
8 enforcement of health laws. Emergency procedures ~~shall~~**are** not ~~be~~



1 limited to this code.

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

7 (3) ~~Upon~~**On** request from the director, the department of
8 agriculture **and rural development** shall assist the department in
9 any review or update of the department's pandemic influenza plan
10 under section 5112.

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

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

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

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

26 (i) Limit the number of patient representatives who may visit a
27 patient or resident with a cognitive impairment in a qualified
28 health care facility at 1 time.

29 (ii) Establish procedures for the visitation of a patient or



1 resident with a cognitive impairment in a qualified health care
2 facility, if the director determines that establishing the
3 procedures is vital to maintaining a safe health care
4 infrastructure in this state. The director shall consult with
5 qualified health care facilities before establishing procedures
6 under this subparagraph.

7 (6) As used in this section:

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

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

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

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

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

27 (i) A family member.

28 (ii) A patient advocate as that term is defined in section 1106
29 of the estates and protected individuals code, 1998 PA 386, MCL



1 700.1106.

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

5 (f) "Qualified health care facility" means any of the
6 following:

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

9 (ii) An assisted living facility.

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

11 Sec. 2453. (1) ~~If~~ Except as provided in subsection (3), if a
12 local health officer determines that control of an epidemic is
13 necessary to protect the public health, the local health officer
14 may issue an emergency order to prohibit the gathering of people
15 for any purpose and may establish procedures to be followed by
16 persons, including a local governmental entity, during the epidemic
17 to ~~insure~~ ensure continuation of essential public health services
18 and enforcement of health laws. Emergency procedures ~~shall~~ are not
19 be limited to this code.

20 (2) A local health department or the department may provide
21 for the involuntary detention and treatment of individuals with
22 hazardous communicable disease in the manner prescribed in sections
23 5201 to ~~5238~~ 5210.

24 (3) Beginning June 1, 2023, because LINDA, a local health
25 officer shall not issue an emergency order under this section that
26 does any of the following:

27 (a) Prohibits or otherwise limits a patient representative
28 from visiting a patient or resident with a cognitive impairment in
29 a qualified health care facility. However, the emergency order may



1 limit the number of patient representatives who may visit a patient
2 or resident with a cognitive impairment in a qualified health care
3 facility at 1 time.

4 (b) Prohibits or otherwise limits a qualified health care
5 facility from implementing a reasonable safety measure before or
6 during a patient representative's visit to a patient or resident
7 with a cognitive impairment in the qualified health care facility,
8 including, but not limited to, prescreening or testing a patient
9 representative, imposing a visit duration on a patient
10 representative, restricting the number of patient representatives
11 who may visit at 1 time, and requiring a patient representative to
12 preschedule a visit.

13 (4) As used in this section:

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

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

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



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