

RESTRICTIONS ON GATHERINGS UNDER PUBLIC HEALTH EMERGENCY ORDERS

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House Bill 6315 (H-1) as reported from committee

Sponsor: Rep. Joe Tate

Committee: Ways and Means

Complete to 11-5-20

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 6315 would amend the Public Health Code to prohibit certain public health emergency orders from banning public gatherings at a professional or collegiate sporting event or at a convention facility. The orders could instead prescribe specified limits regarding the occupancy of the facilities where the gatherings take place.

Under the Public Health Code, if the director of the Department of Health and Human Services (DHHS) determines it necessary to protect the public health by controlling an epidemic, he or she can issue an emergency order that prohibits people from gathering and can establish procedures that must be followed during the epidemic to ensure the continuation of essential public health services and the enforcement of health laws.

The bill would prohibit the director from issuing an order that prohibits people from gathering for a *professional or collegiate sporting event* held at an *entertainment venue*. However, the director could limit the occupancy of the venue at which an event was held to the lesser of 20% capacity or 12,500 spectators.

Professional or collegiate sporting event would include any of the following:

- A game or match sanctioned by a major professional league or the National Collegiate Athletic Association (NCAA) consisting of U.S. or Canadian teams for baseball, basketball, football, ice hockey, or soccer.
- A motorsports race and its ancillary activities that have been sanctioned by the American Motorcycle Association (AMA); Auto Racing Club of America (ARCA); Championship Auto Racing Teams (CART); Grand American Road Racing Association (GRAND AM); Indy Racing League (IRL); National Association for Stock Car Auto Racing (NASCAR); National Hot Rod Association (NHRA); Professional Sportscar Racing (PSR); Sports Car Club of America (SCCA); United States Auto Club (USAC); Michigan State Promoters Association; or any successor organization or any other nationally or internationally recognized governing body of motorsports that establishes an annual schedule of motorsports events and grants rights to conduct the events, that has established and administers rules and regulations governing all participants involved in the events and all persons conducting the events, and that requires certain liability assurances, including insurance.
- A soccer match between two international soccer clubs as part of a tournament sanctioned by the governing body for soccer in the United States.

Entertainment venue would mean a facility primarily used for sporting events or other entertainment.

The bill would also prohibit the director from issuing an order that prohibits people from gathering at a *convention facility*. However, the director could limit the occupancy at a convention facility to 20 people per 1,000 square feet.

Convention facility would mean one or more facilities owned or leased by a local governmental unit or metropolitan authority created under the Regional Convention Facility Authority Act that are any combination of a convention hall, auditorium, meeting rooms, and exhibition areas that are separate and distinct and contiguous to each other, and related adjacent public areas generally available to members of the public for lease on a short-term basis for holding conventions, meetings, exhibits, and similar events and the necessary site or sites, together with appurtenant properties necessary and convenient for use in connection with the facility. *Convention facility* would include a publicly owned convention facility with at least 600,000 square feet of usable exhibition area that is located in a city with a population of more than 700,000 according to the most recent decennial census.

MCL 333.2253

FISCAL IMPACT:

House Bill 6315 has no direct significant fiscal implications for DHHS. The fiscal impact for local health departments, authorized by the Public Health Code to carry out and enforce emergency orders of the DHHS director, is indeterminate.

POSITIONS:

The following entities indicated support for the bill (11-5-20):

- Van Andel Arena
- Grand Rapids-Kent County Convention/Arena Authority
- Detroit Tigers and Red Wings
- Detroit Lions
- Detroit Pistons Sports and Entertainment

The Department of Health and Human Services indicated opposition to the bill. (11-5-20)

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.