

HOUSE BILL NO. 6314

October 21, 2020, Introduced by Rep. Frederick and referred to the Committee on Health Policy.

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, and by adding sections
2453a and 5116.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 2253. (1) ~~If~~ **Subject to subsection (4) and section 2453a,**
- 2 **if** the director determines that control of an epidemic is necessary
- 3 to protect the public health, the director by emergency order may



1 prohibit the gathering of ~~people~~**persons** for any purpose and may
2 establish procedures **in the emergency order** to be followed during
3 the epidemic to ~~insure~~**ensure** continuation of essential public
4 health services and enforcement of health laws. Emergency
5 procedures ~~shall~~**are** not ~~be~~ 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) ~~Upon~~**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) **Before issuing an emergency order under subsection (1),**
16 **the director shall, to the greatest extent possible, consult with**
17 **the board of health, if applicable, of each local health department**
18 **whose area served is affected by the emergency order.**

19 Sec. 2453. (1) ~~If~~**Subject to section 2453a, if** a local health
20 officer determines that control of an epidemic is necessary to
21 protect the public health, the local health officer may issue an
22 emergency order to prohibit the gathering of ~~people~~**persons** for any
23 purpose and may establish procedures **in the emergency order** to be
24 followed by persons, including a local governmental entity, during
25 the epidemic to ~~insure~~**ensure** continuation of essential public
26 health services and enforcement of health laws. Emergency
27 procedures ~~shall~~**are** not ~~be~~ limited to this code.

28 (2) A local health department or the department may provide
29 for the involuntary detention and treatment of individuals with



hazardous communicable disease in the manner prescribed in sections 5201 to ~~5238~~ 5210.

Sec. 2453a. (1) Except as otherwise provided in subsection (2), if the department issues an emergency order under section 2253 to control an epidemic related to coronavirus that covers an area served by a local health department, the area served by the local health department is subject to the emergency order.

(2) A county health officer may issue an emergency order under section 2453 to control an epidemic related to coronavirus that establishes a procedure or directs the gathering of persons in a manner that is different from, but not more restrictive than, an emergency order described in subsection (1) if all of the following apply:

(a) Subject to subsection (3), the county health officer, in consultation with the chief medical executive, determines that all of the following are met:

(i) The number of confirmed cases of coronavirus within the area served by the qualified local health department is at or below 55 per 1,000,000 within a 14-day period.

(ii) The percentage of positive tests for coronavirus within the area served by the qualified local health department is at or below 5% within a 14-day period.

(iii) Each health facility located in the area served by the qualified local health department maintains a surge capacity of at least 20% in admissions or patient transfers.

(iv) Hospitalizations for coronavirus within the area served by the qualified local health department have not increased by 25% or more within a 14-day period.

(v) Each health facility located in the area served by the



1 qualified local health department has at least a 14-day supply of
2 personal protective equipment available at the health facility.

3 (vi) The area served by the qualified local health department
4 has the ability to conduct 15 coronavirus tests per 10,000
5 residents per day and to receive the test results within 3 days
6 after conducting the coronavirus tests. For purposes of this
7 subparagraph, "coronavirus test" does not include serology or
8 antibody tests.

9 (b) The county health officer develops and implements a
10 mitigation plan to slow and prevent the spread of coronavirus
11 within the area served by the qualified local health department,
12 following best practices developed by the department or the federal
13 Centers for Disease Control and Prevention.

14 (3) If the area served by a qualified local health department
15 includes more than 1 county, the calculations described in
16 subsection (2) (a) and the mitigation plan described in subsection
17 (2) (b) must be performed for each county separately. A calculation
18 performed for purposes of subsection (2) must not include
19 individuals who are housed in any of the following:

20 (a) State and federal correctional facilities.

21 (b) A county jail.

22 (c) A congregate care setting.

23 (4) An emergency order issued as provided in subsection (2)
24 applies to each county served by the qualified local health
25 department that is identified in the order and that meets all of
26 the requirements described in subsection (2). If a county that is
27 the subject of an emergency order issued as provided in subsection
28 (2) no longer meets 2 or more of the requirements described in that
29 subsection during a 7-day period, the emergency order issued by the

(f) "Health facility" means a health facility or agency as

1 that term is defined in section 20106.

2 (g) "Qualified local health department" means any of the
3 following:

4 (i) A county health department of a single county provided
5 pursuant to section 2413 and its board of health, if any.

6 (ii) A district health department created pursuant to section
7 2415 and its board of health, but only if the district health
8 department is comprised of 2 or more counties.

9 Sec. 5116. (1) Subject to subsection (2), within 30 days after
10 the effective date of the amendatory act that added this section,
11 the department shall establish, or work with a third party to
12 implement, a website containing information on coronavirus in this
13 state.

14 (2) The website described in subsection (1) must provide
15 information accessible only to health care providers on the testing
16 capacity of each COVID-19 testing site and laboratory within this
17 state and the estimated time period in which each laboratory within
18 this state provides test results for coronavirus. The website must
19 also provide all of the following information in a manner that is
20 accessible to the public:

21 (a) For each day, per 10,000 residents for this state and each
22 county:

23 (i) The number of coronavirus tests administered.

24 (ii) The percentage of coronavirus positive test results.

25 (b) The number of coronavirus positive tests for each day, per
26 1,000,000 residents for this state and each county.

27 (c) The number of coronavirus deaths each day in this state
28 and in each county.

29 (d) The percentage of patients who are presented to emergency



1 departments with coronavirus symptoms by each county and for this
2 state.

3 (e) The cumulative number of each of the following, to date,
4 for each county and for this state:

5 (i) Coronavirus cases.

6 (ii) Coronavirus deaths.

7 (iii) Coronavirus recoveries.

8 (f) Prevalence of comorbidities in patients for each county
9 and for this state.

10 (g) All of the following for each county and for this state:

11 (i) The number of hospital beds.

12 (ii) The number of adult hospital beds.

13 (iii) The number of hospital inpatient beds.

14 (iv) Hospital inpatient bed occupancy rates.

15 (v) The number of adult hospital inpatient beds.

16 (vi) Adult hospital inpatient bed occupancy rates.

17 (vii) The number of intensive care unit beds.

18 (viii) Intensive care unit bed occupancy rates.

19 (ix) Adult intensive care unit bed occupancy rates.

20 (x) The number of ventilators.

21 (xi) The number of mechanical ventilators in use.

22 (h) All of the following information for each county:

23 (i) The cumulative number of adults hospitalized, to date, with
24 suspected cases of coronavirus and confirmed cases of coronavirus.

25 (ii) The number of adults hospitalized with a confirmed case of
26 coronavirus.

27 (iii) The number of suspected cases of coronavirus and confirmed
28 cases of coronavirus for each of the following:



1 (A) Pediatric patients who are hospitalized.

2 (B) Adults who are hospitalized within an intensive care unit.

3 (iv) The number of patients with a confirmed case of
4 coronavirus who require a ventilator.

5 (v) The number of coronavirus related emergency department
6 visits, per day.

7 (i) The days supply of each of the following for each hospital
8 in this state:

9 (i) N95 masks.

10 (ii) Surgical masks.

11 (iii) Surgical gowns.

12 (iv) Eye protection.

13 (v) Exam gloves.

14 (j) The following census information for each hospital in this
15 state:

16 (i) Coronavirus patients.

17 (ii) Coronavirus patients in an intensive care unit.

18 (iii) Bed occupancy.

19 (k) All of the following information for long-term care
20 facilities, for each county and this state:

21 (i) The number of residents who have tested positive for
22 coronavirus.

23 (ii) The number of residents who have recovered or are
24 recovering from coronavirus.

25 (iii) The number of residents who have died from coronavirus.

26 (iv) The number of employees who have tested positive for
27 coronavirus.

28 (l) All of the following information for each long-term care



1 facility in this state, described by county and facility name:

2 (i) The cumulative number of residents who have tested positive
3 for coronavirus, to date.

4 (ii) The cumulative number of residents who have died from
5 coronavirus, to date.

6 (iii) The cumulative number of employees who have tested
7 positive for coronavirus, to date.

8 (iv) The cumulative number of employees who have died from
9 coronavirus, to date.

10 (m) Any other information that the department considers
11 appropriate.

12 (3) As used in this section:

13 (a) "Coronavirus" means that term as defined in section 2453a.

14 (b) "COVID-19 testing site" means a location that collects
15 specimens to test for coronavirus.

16 (c) "Health care provider" means both of the following:

17 (i) An individual who is licensed, registered, or otherwise
18 authorized to engage in a health profession under article 15.

19 (ii) A health facility.

20 (d) "Health facility" means a health facility or agency as
21 that term is defined in section 20106.

22 (e) "Hospital" means that term as defined in section 20106.

23 (f) "Long-term care facility" means 1 or more of the
24 following:

25 (i) A home for the aged as that term is defined in section
26 20106.

27 (ii) A nursing home as that term is defined in section 20109.

28 (iii) A county medical care facility as that term is defined in

1 section 20104.

2 (iv) A hospital long-term care unit as that term is defined in
3 section 20106.

4 (v) An adult foster care facility as that term is defined in
5 section 3 of the adult foster care facility licensing act, 1979 PA
6 218, MCL 400.703.

