

Legislative Analysis



NOTICE TO LEGISLATURE UPON DEPARTMENTAL ISSUANCE OF EMERGENCY ORDERS

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 6201 as reported from committee
Sponsor: Rep. Beth Griffin

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

House Bill 6209 as reported
Sponsor: Rep. Timothy Beson

House Bill 6210 as reported
Sponsor: Rep. Bronna Kahle

House Bill 6214 as reported
Sponsor: Rep. Julie Calley

Committee: Oversight
Complete to 6-29-22

SUMMARY:

The bills would amend the Public Health Code to require that notice be provided to specified legislative entities within 24 hours after certain actions are taken by a regulatory body, as described below.

House Bill 6201 would amend section 7314 of the code, which pertains to the procedure followed when a license sanction is imposed by a disciplinary subcommittee for a violation of the code related to the manufacture, distribution, prescribing, or dispensing of a controlled substance. Currently, the Department of Licensing and Regulatory Affairs (LARA) may determine that there is an imminent danger to the public health or safety that warrants a license suspension without an order to show cause (a process that gives the licensee an opportunity to support why a license sanction should not be imposed). The suspension continues in effect until the conclusion of the proceedings, which includes judicial review, unless withdrawn by a hearing examiner or dissolved by a court.

The bill would provide that, if LARA suspends a license under the above provision, it must provide notice of the suspension within 24 hours to all of the following:

- The Senate Majority Leader and the Speaker of the House of Representatives.
- The Senate and House standing committees that deal primarily with oversight.
- Any other standing committee that LARA considers necessary or appropriate.

MCL 333.7314

House Bill 6209 would amend a provision in the code pertaining to a Class IV installation, which is defined as a dry cleaning system using solvents classified as nonflammable or as nonflammable at ordinary temperatures and only slightly flammable at higher temperatures. Currently, the Department of Environment, Great Lakes, and Energy (EGLE) may, upon a finding that an emergency exists requiring immediate action to protect occupational or public health, issue an order without a notice or a hearing.

The bill would require EGLE to provide notice of the order within 24 hours to all of the following:

- The Senate Majority Leader and the Speaker of the House of Representatives.
- The Senate and House standing committees that deal primarily with oversight.
- Any other standing committee that EGLE considers necessary or appropriate.

MCL 333.13321

House Bill 6210 would amend a section of the code pertaining to mammography authorization of a radiation machine. Currently, LARA may issue an emergency order summarily withdrawing the mammography authorization of a radiation machine upon a finding that a deficiency of the machine or a violation of Part 115 (Radiation Control) or related departmental rules seriously affects the health, safety, and welfare of individuals upon whom the radiation machine is used.

The bill would provide that, if LARA summarily withdraws mammography authorization under an emergency order, it must provide notice within 24 hours to all of the following:

- The Senate Majority Leader and the Speaker of the House of Representatives.
- The Senate and House standing committees that deal primarily with oversight.
- Any other standing committee that LARA considers necessary or appropriate.

MCL 333.13523

House Bill 6214 would amend Part 52 (Hazardous Communicable Diseases) of the code. Currently, a Department of Health and Human Services (DHHS) representative or a local health officer is required to issue a warning notice to an individual deemed to be a health threat to others requiring that individual to cooperate in efforts to prevent or control transmission of serious communicable diseases or infections, among other things.

The bill would require notice of a warning notice to be provided within 24 hours to all of the following:

- The Senate Majority Leader and the Speaker of the House of Representatives.
- The Senate and House standing committees that deal primarily with oversight.
- Any other standing committee that DHHS considers necessary or appropriate.

Currently, the warning notice must include a statement that, unless the individual complies as requested, the DHHS representative or local health officer is required to seek an order from the probate court.

The bill would instead require the order to be sought from the circuit court for Ingham County or for the county served by the local health department. The bill also would provide that Part 52 does not limit the power of a circuit court, rather than a probate court, to deal with the prevention and control of communicable diseases and infections.

MCL 333.5203 and 333.5209

FISCAL IMPACT:

House Bill 6201 would have a negligible fiscal impact on LARA, given the relatively limited number of notices that the department would need to submit. The bill would not have a fiscal impact on any other units of state or local government.

House Bill 6209 is likely to increase costs for EGLE by requiring the department to notify specified legislators and legislative bodies when issuing orders related to the installation of certain dry cleaning systems. The extent of this cost increase is unclear and likely to vary with the number of qualifying orders issued in a given year. Extant appropriations would presumably cover any additional costs incurred by the department. EGLE's FY 2021-22 budget totals \$2.6 billion Gross (\$282.9 million GF/GP). The bill is unlikely to affect departmental revenues or costs or revenues for local governments.

House Bill 6210 would have a negligible fiscal impact on LARA, given the limited number of notices that the department would need to submit. The bill would not have a fiscal impact on any other units of state or local government.

House Bill 6214 would have a modest financial cost to DHHS and to local health departments related to new requirements for notification by DHHS or a local health department to the legislature of the issuance of any warning notice to an individual deemed to be a health threat to others under section 5203.

POSITIONS:

A representative of the Mackinac Center for Public Policy testified in support of the bills. (6-15-22)

NFIB indicated support for House Bills 6201, 6209, and 6214. (6-21-22)

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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.