

Senate Bill 257 (as passed by the Senate)
Sponsor: Senator Michael D. MacDonald
Committee: Government Operations

Date Completed: 3-24-21

CONTENT

The bill would amend the Public Health Code to prohibit the Director of the Department of Health and Human Services (DHHS) or a local health officer from issuing an emergency order to control an epidemic that prohibited certain activities.

Under Section 2253 of the Code, if the Director of the DHHS determines that control of an epidemic is necessary to protect the public health, he or she by emergency order may prohibit the gathering of people for any purpose and may establish procedures to be followed during the epidemic to ensure continuation of essential public health services and enforcement of health laws. Emergency procedures are not limited to the Code. Section 2453 extends this authority to a local health official under the same circumstances.

The bill would prohibit the Director, or a local health officer, from issuing an emergency order that did any of the following:

- Prohibited one or more family members from observing another family member participate in a qualified sporting event.
- Prohibited in-person dining at the same table by one or more family members at a food service establishment.
- Restricted individuals from more than one household from gathering inside or outside of a private residence.
- Prohibited an individual from traveling between one or more properties that he or she owned.
- Prohibited a high school graduation commencement ceremony sponsored by a school.
- Prohibited an individual from buying a good in a store.

"Family member" would mean a spouse, parent, aunt, uncle, grandparent, child, cousin, or sibling. "Qualified sporting event" would mean one or more of the following: a) a sporting event carried on between 2 or more schools, b) a collegiate sporting event sanctioned by a nationally recognized body, or c) a sporting event recognized by a local organization that is engaged in the development and active promotion of an athletic activity. "Food service establishment" would mean that term as defined in Section 1107 of the Food Law: a fixed or mobile restaurant, coffee shop, cafeteria, short order cafe, luncheonette, grill, tearoom, sandwich shop, soda fountain, tavern, bar, cocktail lounge, nightclub, drive-in, industrial feeding establishment, private organization serving the public, rental hall, catering kitchen, delicatessen, theater, commissary, food concession, or similar place in which food or drink is prepared for direct consumption through service on the premises or elsewhere, and any other eating or drinking establishment or operation where food is served or provided for the public. "Household" would mean a group of individuals who live at the same dwelling.

MCL 333.2253 & 333.2453

Legislative Analyst: Jeff Mann

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Ellyn Ackerman

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.