



Senate Fiscal Agency
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Senate Bill 428 (as introduced 5-6-21)
Sponsor: Senator Curtis VanderWall
Committee: Committee of the Whole

(Senate-passed version)

Date Completed: 5-11-21

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 that required an individual who was less than five years of age to wear a face mask.

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 required an individual who was less than five years of age to wear a face mask. "Face mask" would mean a tightly woven cloth or other multilayer absorbent material that closely covers an individual's mouth and nose.

MCL 333.2253 & 333.2453

Legislative Analyst: Tyler VanHuyse

FISCAL IMPACT

The bill would have no fiscal impact on State and local units of 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.