

SENATE BILL NO. 257

March 18, 2021, Introduced by Senator MACDONALD and referred to the Committee on Government Operations.

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.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2253. (1) ~~If~~**Except as otherwise provided in subsection**
2 **(4), if** the director determines that control of an epidemic is
3 necessary to protect the public health, the director by emergency
4 order may prohibit the gathering of people for any purpose and may

1 establish procedures to be followed during the epidemic to ~~insure~~
 2 **ensure** continuation of essential public health services and
 3 enforcement of health laws. Emergency procedures ~~shall~~**are** not be
 4 limited to this code.

5 (2) If an epidemic described in subsection (1) involves avian
 6 influenza or another virus or disease that is or may be spread by
 7 contact with animals, the department of agriculture **and rural**
 8 **development** shall cooperate with and assist the director in the
 9 director's response to the epidemic.

10 (3) ~~Upon~~**On** request from the director, the department of
 11 agriculture **and rural development** shall assist the department in
 12 any review or update of the department's pandemic influenza plan
 13 under section 5112.

14 (4) **The director shall not issue an emergency order under this**
 15 **section that does any of the following:**

16 (a) **Prohibits 1 or more family members from observing another**
 17 **family member participate in a qualified sporting event.**

18 (b) **Prohibits in-person dining at the same table by 1 or more**
 19 **family members at a food service establishment.**

20 (c) **Restricts individuals from more than 1 household from**
 21 **gathering inside or outside of a private residence.**

22 (d) **Prohibits an individual from traveling between 1 or more**
 23 **properties that the individual owns.**

24 (e) **Prohibits a high school graduation commencement ceremony**
 25 **sponsored by a school.**

26 (f) **Prohibits an individual from buying a good in a store.**

27 (5) **As used in this section:**

28 (a) **"Family member" means a spouse, parent, aunt, uncle,**
 29 **grandparent, child, cousin, or sibling.**

(b) "Food service establishment" means that term as defined in section 1107 of the food law, 2000 PA 92, MCL 289.1107.

(c) "Household" means a group of individuals who live at the same dwelling.

(d) "Qualified sporting event" means 1 or more of the following:

(i) A sporting event carried on between 2 or more schools.

(ii) A collegiate sporting event sanctioned by a nationally recognized body.

(iii) A sporting event recognized by a local organization that is engaged in the development and active promotion of an athletic activity.

(e) "School" means a public school or nonpublic school as those terms are defined in section 5 of the revised school code, 1976 PA 451, MCL 380.5.

Sec. 2453. (1) ~~If~~ **Except as otherwise provided in subsection (3), if** a local health officer determines that control of an epidemic is necessary to protect the public health, the local health officer may issue an emergency order to prohibit the gathering of people for any purpose and may establish procedures to be followed by persons, including a local governmental entity, during the epidemic to ~~insure~~ **ensure** continuation of essential public health services and enforcement of health laws. Emergency procedures ~~shall~~ **are** not ~~be~~ limited to this code.

(2) A local health department or the department may provide for the involuntary detention and treatment of individuals with hazardous communicable disease in the manner prescribed in sections 5201 to ~~5238~~ **5210**.

(3) A local health officer shall not issue an emergency order

1 under this section that does any of the following:

2 (a) Prohibits 1 or more family members from observing another
3 family member participate in a qualified sporting event.

4 (b) Prohibits in-person dining at the same table by 1 or more
5 family members at a food service establishment.

6 (c) Restricts individuals from more than 1 household from
7 gathering inside or outside of a private residence.

8 (d) Prohibits an individual from traveling between 1 or more
9 properties that the individual owns.

10 (e) Prohibits a high school graduation commencement ceremony
11 sponsored by a school.

12 (f) Prohibits an individual from buying a good in a store.

13 (4) As used in this section, "family member", "food service
14 establishment", "household", "qualified sporting event", and
15 "school" mean those terms as defined in section 2253.