

SENATE BILL NO. 428

May 06, 2021, Introduced by Senator VANDERWALL and referred to the Committee of the Whole.

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 requires an individual who is less than 5 years of age**
 16 **to wear a face mask. As used in this subsection, "face mask" means**
 17 **a tightly woven cloth or other multilayer absorbent material that**
 18 **closely covers an individual's mouth and nose.**

19 Sec. 2453. (1) ~~If~~**Except as otherwise provided in subsection**
 20 **(3), if** a local health officer determines that control of an
 21 epidemic is necessary to protect the public health, the local
 22 health officer may issue an emergency order to prohibit the
 23 gathering of people for any purpose and may establish procedures to
 24 be followed by persons, including a local governmental entity,
 25 during the epidemic to ~~insure~~**ensure** continuation of essential
 26 public 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

1 hazardous communicable disease in the manner prescribed in sections
2 5201 to ~~5238~~.5210.

3 (3) A local health officer shall not issue an emergency order
4 under this section that requires an individual who is less than 5
5 years of age to wear a face mask. As used in this subsection, "face
6 mask" means a tightly woven cloth or other multilayer absorbent
7 material that closely covers an individual's mouth and nose.