

HOUSE BILL NO. 6194

June 09, 2022, Introduced by Reps. Kahle, Steven Johnson, Tisdell, Bollin, Beeler, Calley, Meerman, Bellino, Hoitenga, Lightner, Clements, Outman, Eisen, Allor and Alexander and referred to the Committee on Oversight.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 2251 (MCL 333.2251), as amended by 2012 PA 180,
and by adding section 2251a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2251. (1) ~~Upon~~**On** a determination that an imminent danger
2 to the health or lives of individuals exists in this state, the
3 director immediately shall inform the individuals affected by the
4 imminent danger and, **subject to section 2251a**, issue an order that

1 ~~shall~~**must** be delivered to a person authorized to avoid, correct,
2 or remove the imminent danger or be posted at or near the imminent
3 danger. The order ~~shall~~**must** incorporate the director's findings
4 and require immediate action necessary to avoid, correct, or remove
5 the imminent danger. The order may specify action to be taken or
6 prohibit the presence of individuals in locations or under
7 conditions where the imminent danger exists, except individuals
8 whose presence is necessary to avoid, correct, or remove the
9 imminent danger.

10 (2) ~~Upon~~**On the** failure of a person to comply promptly with a
11 department order issued under this section, the department may
12 petition the circuit court having jurisdiction to restrain a
13 condition or practice ~~which~~**that** the director determines causes the
14 imminent danger or to require action to avoid, correct, or remove
15 the imminent danger.

16 (3) If the director determines that conditions anywhere in
17 this state constitute a menace to the public health, the director
18 may take full charge of the administration of applicable state and
19 local health laws, rules, regulations, and ordinances in addressing
20 that menace.

21 (4) If the director determines that an imminent danger to the
22 health or lives of individuals in this state can be prevented or
23 controlled by the promulgation of an emergency rule under section
24 48(2) of the administrative procedures act of 1969, ~~1969 PA 306,~~
25 MCL 24.248, to schedule or reschedule a substance as a controlled
26 substance as provided in part 72, the director shall notify the
27 director of the department of licensing and regulatory affairs and
28 the administrator of his or her determination in writing. The
29 notification ~~shall~~**must** include a description of the substance to

1 be scheduled or rescheduled and the grounds for his or her
2 determination. The director may provide copies of police, hospital,
3 and laboratory reports and other information to the director of the
4 department of licensing and regulatory affairs and the
5 administrator as considered appropriate by the director.

6 (5) As used in this section:

7 (a) "Administrator" means that term as defined in section
8 7103.

9 (b) "Imminent danger" means a condition or practice exists
10 that could reasonably be expected to cause death, disease, or
11 serious physical harm immediately or before the imminence of the
12 danger can be eliminated through enforcement procedures otherwise
13 provided.

14 (c) "Person" means a person as defined in section 1106 or a
15 governmental entity.

16 **Sec. 2251a. An order issued under section 2251 is valid for**
17 **the time period specified in the order or until the order has been**
18 **in effect for 28 days, whichever is sooner. After 28 days, an order**
19 **issued under section 2251 is not valid unless a request from the**
20 **director to extend the order for a specific number of days is**
21 **approved by resolution of both houses of the legislature.**