

SENATE BILL NO. 250

March 17, 2021, Introduced by Senators BUMSTEAD, HORN, STAMAS, MACDONALD, VICTORY, DALEY, NESBITT, JOHNSON, LASATA, BARRETT and VANDERWALL and referred to the Committee on Economic and Small Business Development.

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, and by adding sections
2253a and 2453a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2253. (1) ~~If~~**Subject to section 2253a, if** the director
2 determines that control of an epidemic is necessary to protect the
3 public health, the director by emergency order may prohibit the

1 gathering of people for any purpose and may establish procedures **in**
2 **the emergency order** to be followed during the epidemic to ~~insure~~
3 **ensure** continuation of essential public health services and
4 enforcement of health laws. Emergency procedures ~~shall~~**are** not be
5 limited to this code.

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

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

15 **Sec. 2253a. (1) Subject to subsection (2), an emergency order**
16 **issued under section 2253 to control an epidemic related to**
17 **coronavirus that places a restriction on a qualified establishment**
18 **is subject to all of the following:**

19 (a) If this state has a test positivity rate of less than 3%
20 for not less than 14 consecutive days, the emergency order must not
21 place a limitation on indoor dining occupancy or on a meeting or
22 event held at the qualified establishment.

23 (b) If this state has a test positivity rate of 3% to not more
24 than 7% for not less than 7 consecutive days, the emergency order
25 must do all of the following:

26 (i) Limit the indoor dining occupancy rate to 50%.

27 (ii) Limit the consumption of food and beverages in the
28 qualified establishment to a designated dining area where an
29 individual is seated.

1 (iii) Limit the occupancy of a meeting or event held at the
2 qualified establishment to 50 individuals per 1,000 square feet
3 with a maximum of 250 individuals if the meeting or event is held
4 indoors and a maximum of 500 individuals if the meeting or event is
5 held outdoors.

6 (c) If this state has a test positivity rate of greater than
7 7% to not more than 10% for not less than 7 consecutive days, the
8 emergency order must do all of the following:

9 (i) Limit the indoor dining occupancy rate to 50%.

10 (ii) Limit the consumption of food and beverages in the
11 qualified establishment to a designated dining area where an
12 individual is seated.

13 (iii) Limit the occupancy of a meeting or event held at the
14 qualified establishment to 25 individuals per 1,000 square feet
15 with a maximum of 150 individuals if the meeting or event is held
16 indoors and a maximum of 250 individuals if the meeting or event is
17 held outdoors.

18 (iv) For the purposes of contact tracing, encourage the
19 qualified establishment to maintain a record of the name and
20 telephone number of each individual dining at the qualified
21 establishment and the individual's date and time of entry into the
22 qualified establishment.

23 (d) If this state has a test positivity rate of greater than
24 10% to not more than 15% for not less than 7 consecutive days, the
25 emergency order must do all of the following:

26 (i) Limit the indoor dining occupancy rate to 25%.

27 (ii) Limit the consumption of food or beverages in the
28 qualified establishment to a designated dining area where an
29 individual is seated.

1 (iii) Limit the occupancy of a meeting or event held at the
2 qualified establishment to 15 individuals per 1,000 square feet
3 with a maximum of 50 individuals if the meeting or event is held
4 indoors and a maximum of 150 individuals if the meeting or event is
5 held outdoors.

6 (iv) For the purposes of contact tracing, encourage the
7 qualified establishment to maintain a record of the name and
8 telephone number of each individual dining at the qualified
9 establishment and the individual's date and time of entry into the
10 qualified establishment.

11 (e) If this state has a test positivity rate of greater than
12 15% to not more than 20% for not less than 7 consecutive days, the
13 emergency order must close the qualified establishment to indoor
14 dining and limit the occupancy of a meeting or event held at the
15 qualified establishment to a maximum of 10 individuals from not
16 more than 2 households.

17 (f) If this state has a test positivity rate of greater than
18 20% for not less than 14 consecutive days, the emergency order must
19 close the qualified establishment to indoor dining and prohibit a
20 meeting or event from being held at the qualified establishment.

21 (2) The test positivity rate described in subsection (1) must
22 be calculated as follows:

23 (a) Divide the total number of positive test results for
24 coronavirus in this state for a single day by the total number of
25 tests performed for coronavirus in this state on that day.

26 (b) Calculate the daily 7-day average of the results under
27 subdivision (a) for the prior 7 consecutive days.

28 (3) As used in this section:

29 (a) "Coronavirus" means that term as defined in section 5145.

(b) "Event venue" means an establishment other than a food service establishment that consists of an enclosed hall, building, or portion of a building, and that is regularly available for the purpose of holding a banquet, a dinner, entertainment, a luncheon, a sports event, or other similar activity or event.

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

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

(e) "Qualified establishment" means any of the following:

(i) A food service establishment.

(ii) An event venue.

Sec. 2453. (1) ~~If~~ **Subject to section 2453a, 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 **in the emergency order** 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**.

Sec. 2453a. (1) Subject to subsection (2), an emergency order issued under section 2453 to control an epidemic related to coronavirus that places a restriction on a qualified establishment is subject to all of the following:

1 (a) If the area served by the local health department has a
2 test positivity rate of less than 3% for not less than 14
3 consecutive days, the emergency order must not place a limitation
4 on indoor dining occupancy or on a meeting or event held at the
5 qualified establishment.

6 (b) If the area served by the local health department has a
7 test positivity rate of 3% to not more than 7% for not less than 7
8 consecutive days, the emergency order must do all of the following:

9 (i) Limit the indoor dining occupancy rate to 50%.

10 (ii) Limit the consumption of food and beverages in the
11 qualified establishment to a designated dining area where an
12 individual is seated.

13 (iii) Limit the occupancy of a meeting or event held at the
14 qualified establishment to 50 individuals per 1,000 square feet
15 with a maximum of 250 individuals if the meeting or event is held
16 indoors and a maximum of 500 individuals if the meeting or event is
17 held outdoors.

18 (c) If the area served by the local health department has a
19 test positivity rate of greater than 7% to not more than 10% for
20 not less than 7 consecutive days, the emergency order must do all
21 of the following:

22 (i) Limit the indoor dining occupancy rate to 50%.

23 (ii) Limit the consumption of food and beverages in the
24 qualified establishment to a designated dining area where an
25 individual is seated.

26 (iii) Limit the occupancy of a meeting or event held at the
27 qualified establishment to 25 individuals per 1,000 square feet
28 with a maximum of 150 individuals if the meeting or event is held
29 indoors and a maximum of 250 individuals if the meeting or event is

1 held outdoors.

2 (iv) For the purposes of contact tracing, encourage the
3 qualified establishment to maintain a record of the name and
4 telephone number of each individual dining at the qualified
5 establishment and the individual's date and time of entry into the
6 qualified establishment.

7 (d) If the area served by the local health department has a
8 test positivity rate of greater than 10% to not more than 15% for
9 not less than 7 consecutive days, the emergency order must do all
10 of the following:

11 (i) Limit the indoor dining occupancy rate to 25%.

12 (ii) Limit the consumption of food or beverages in the
13 qualified establishment to a designated dining area where an
14 individual is seated.

15 (iii) Limit the occupancy of a meeting or event held at the
16 qualified establishment to 15 individuals per 1,000 square feet
17 with a maximum of 50 individuals if the meeting or event is held
18 indoors and a maximum of 150 individuals if the meeting or event is
19 held outdoors.

20 (iv) For the purposes of contact tracing, encourage the
21 qualified establishment to maintain a record of the name and
22 telephone number of each individual dining at the qualified
23 establishment and the individual's date and time of entry into the
24 qualified establishment.

25 (e) If the area served by the local health department has a
26 test positivity rate of greater than 15% to not more than 20% for
27 not less than 7 consecutive days, the emergency order shall close
28 the qualified establishment to indoor dining and limit the
29 occupancy of a meeting or event held at the qualified establishment

1 to a maximum of 10 individuals from not more than 2 households.

2 (f) If the area served by the local health department has a
3 test positivity rate of greater than 20% for not less than 14
4 consecutive days, the emergency order shall close the qualified
5 establishment to indoor dining and prohibit a meeting or event from
6 being held at each qualified establishment.

7 (2) The test positivity rates described in subsection (1) must
8 be calculated as follows:

9 (a) Divide the total number of positive test results for
10 coronavirus in the area served by the local health department for a
11 single day by the total number of tests performed for coronavirus
12 in the area served by the local health department on that day.

13 (b) Calculate the daily 7-day average of the results under
14 subdivision (a) for the prior 7 consecutive days.

15 (3) As used in this section:

16 (a) "Coronavirus" means that term as defined in section 5145.

17 (b) "Event venue" means that term as defined in section 2253a.

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

20 (d) "Household" means that term as defined in section 2253a.

21 (e) "Qualified establishment" means any of the following:

22 (i) A food service establishment.

23 (ii) An event venue.