

SENATE BILL NO. 450

May 18, 2021, Introduced by Senators STAMAS, SCHMIDT, HORN, BARRETT, LASATA and JOHNSON and referred to the Committee on Health Policy and Human Services.

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

1 order may prohibit the gathering of people for any purpose and may
2 establish procedures 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 (4) **Because LINDA**, the director shall not issue an emergency
16 order under this section that does any of the following:

17 (a) **Prohibits or otherwise limits a patient representative**
18 **from visiting a patient or resident in a qualified health care**
19 **facility. However, the emergency order may limit the number of**
20 **patient representatives who may visit a patient or resident in a**
21 **qualified health care facility at 1 time.**

22 (b) **Prohibits or otherwise limits a qualified health care**
23 **facility from implementing a reasonable safety measure before or**
24 **during a patient representative's visit to a patient or resident in**
25 **the qualified health care facility, including, but not limited to,**
26 **prescreening or testing a patient representative, imposing a visit**
27 **duration on a patient representative, restricting the number of**
28 **patient representatives who may visit at 1 time, and requiring a**
29 **patient representative to preschedule a visit.**

(5) As used in this section:

(a) "Assisted living facility" means an unlicensed entity that offers community-based residential care for at least 3 unrelated adults who are 65 years of age or older or who need assistance with activities of daily living that are available 24 hours a day, including, but not limited to, personal, supportive, or intermittent health-related services.

(b) "Family member" means an individual related to a patient or resident by blood, marriage, or adoption who is within the fifth degree of kinship to the patient or resident.

(c) "LINDA" means loved individuals need dedicated attention.

(d) "Patient representative" means any of the following:

(i) A family member.

(ii) A patient advocate as that term is defined in section 1106 of the estates and protected individuals code, 1998 PA 386, MCL 700.1106.

(iii) An individual who is named as the attorney-in-fact under a durable or nondurable power of attorney for the patient or resident.

(e) "Qualified health care facility" means any of the following:

(i) A health facility or agency as that term is defined in section 20106.

(ii) An assisted living facility.

(iii) A physician's private practice office.

Sec. 2453. (1) ~~If~~ Except as 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

1 for any purpose and may establish procedures to be followed by
2 persons, including a local governmental entity, during the epidemic
3 to ~~insure~~**ensure** continuation of essential public health services
4 and enforcement of health laws. Emergency procedures ~~shall~~**are** not
5 ~~be~~ limited to this code.

6 (2) A local health department or the department may provide
7 for the involuntary detention and treatment of individuals with
8 hazardous communicable disease in the manner prescribed in sections
9 5201 to ~~5238~~**5210**.

10 (3) **Because LINDA, a local health officer shall not issue an**
11 **emergency order under this section that does any of the following:**

12 (a) Prohibits or otherwise limits a patient representative
13 from visiting a patient or resident in a qualified health care
14 facility. However, the emergency order may limit the number of
15 patient representatives who may visit a patient or resident in a
16 qualified health care facility at 1 time.

17 (b) Prohibits or otherwise limits a qualified health care
18 facility from implementing a reasonable safety measure before or
19 during a patient representative's visit to a patient or resident in
20 the qualified health care facility, including, but not limited to,
21 prescreening or testing a patient representative, imposing a visit
22 duration on a patient representative, restricting the number of
23 patient representatives who may visit at 1 time, and requiring a
24 patient representative to preschedule a visit.

25 (4) As used in this section:

26 (a) "Assisted living facility" means an unlicensed entity that
27 offers community-based residential care for at least 3 unrelated
28 adults who are 65 years of age or older or who need assistance with
29 activities of daily living that are available 24 hours a day,

1 including, but not limited to, personal, supportive, or
2 intermittent health-related services.

3 (b) "Family member" means an individual related to a patient
4 or resident by blood, marriage, or adoption who is within the fifth
5 degree of kinship to the patient or resident.

6 (c) "LINDA" means loved individuals need dedicated attention.

7 (d) "Patient representative" means any of the following:

8 (i) A family member.

9 (ii) A patient advocate as that term is defined in section 1106
10 of the estates and protected individuals code, 1998 PA 386, MCL
11 700.1106.

12 (iii) An individual who is named as the attorney-in-fact under a
13 durable or nondurable power of attorney for the patient or
14 resident.

15 (e) "Qualified health care facility" means any of the
16 following:

17 (i) A health facility or agency as that term is defined in
18 section 20106.

19 (ii) An assisted living facility.

20 (iii) A physician's private practice office.