

SENATE BILL NO. 603

July 27, 2021, Introduced by Senators LASATA, THEIS, BARRETT, NESBITT, RUNESTAD, BUMSTEAD, VICTORY, BIZON, DALEY, OUTMAN, LAUWERS and VANDERWALL and referred to the Committee on Education and Career Readiness.

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) **An emergency order issued under this section shall not do**
16 **any of the following:**

17 (a) **Require a student to wear a face mask, receive an EUA**
18 **vaccination, or be tested for COVID-19 if the child is asymptomatic**
19 **for COVID-19, to do any of the following:**

20 (i) **Enter or attend school.**

21 (ii) **Ride a school bus or other school-related vehicle.**

22 (iii) **Participate in or attend a school-sponsored activity or**
23 **event, whether or not it is held on school premises. A school-**
24 **sponsored activity or event described in this subparagraph**
25 **includes, but is not limited to, participation in or attendance at**
26 **school-sponsored sports, band, theater, educational trips, or other**
27 **extracurricular activities.**

28 (b) **Require an individual to wear a face mask, receive an EUA**
29 **vaccination, or be tested for COVID-19 if the individual is**

1 asymptomatic for COVID-19, to attend a meeting of a school board.

2 (5) As used in this section:

3 (a) "COVID-19" means severe acute respiratory syndrome
4 coronavirus 2 (SARS-CoV-2).

5 (b) "EUA vaccination" means a vaccine authorized by the United
6 States Food and Drug Administration solely for emergency use.

7 (c) "Face mask" means a tightly woven cloth or other
8 multilayer absorbent material that closely covers an individual's
9 mouth and nose.

10 (d) "Intermediate school board" means that term as defined in
11 section 4 of the revised school code, 1976 PA 451, MCL 380.4.

12 (e) "Public school academy" means that term as defined in
13 section 5 of the revised school code, 1976 PA 451, MCL 380.5.

14 (f) "School" means a public school or a nonpublic school as
15 those terms are defined in section 5 of the revised school code,
16 1976 PA 451, MCL 380.5.

17 (g) "School board" means the board, as that term is defined in
18 section 3 of the revised school code, 1976 PA 451, MCL 380.3, of a
19 school district, the intermediate school board, the governing body
20 of a nonpublic school, or the board of directors of a public school
21 academy.

22 (h) "School district" means that term as defined in section 6
23 of the revised school code, 1976 PA 451, MCL 380.6.

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

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

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

8 (3) An emergency order issued under this section shall not do
9 any of the following:

10 (a) Require a student to wear a face mask, receive an EUA
11 vaccination, or be tested for COVID-19 if the child is asymptomatic
12 for COVID-19, to do any of the following:

13 (i) Enter or attend school.

14 (ii) Ride a school bus or other school-related vehicle.

15 (iii) Participate in or attend a school-sponsored activity or
16 event, whether or not it is held on school premises. A school-
17 sponsored activity or event described in this subparagraph
18 includes, but is not limited to, participation in or attendance at
19 school-sponsored sports, band, theater, educational trips, or other
20 extracurricular activities.

21 (b) Require an individual to wear a face mask, receive an EUA
22 vaccination, or be tested for COVID-19 if the individual is
23 asymptomatic for COVID-19, to attend a meeting of a school board.

24 (4) As used in this section:

25 (a) "COVID-19" means severe acute respiratory syndrome
26 coronavirus 2 (SARS-CoV-2).

27 (b) "EUA vaccination" means a vaccine authorized by the United
28 States Food and Drug Administration solely for emergency use.

29 (c) "Face mask" means a tightly woven cloth or other

1 multilayer absorbent material that closely covers an individual's
2 mouth and nose.

3 (d) "Intermediate school board" means that term as defined in
4 section 4 of the revised school code, 1976 PA 451, MCL 380.4.

5 (e) "Public school academy" means that term as defined in
6 section 5 of the revised school code, 1976 PA 451, MCL 380.5.

7 (f) "School" means a public school or a nonpublic school as
8 those terms are defined in section 5 of the revised school code,
9 1976 PA 451, MCL 380.5.

10 (g) "School board" means the board, as that term is defined in
11 section 3 of the revised school code, 1976 PA 451, MCL 380.3, of a
12 school district, the intermediate school board, the governing body
13 of a nonpublic school, or the board of directors of a public school
14 academy.

15 (h) "School district" means that term as defined in section 6
16 of the revised school code, 1976 PA 451, MCL 380.6.

17 Enacting section 1. This amendatory act does not take effect
18 unless Senate Bill No. 601 of the 101st Legislature is enacted into
19 law.