

# SENATE BILL NO. 296

May 13, 2025, Introduced by Senators CHANG, BAYER, SHINK, MOSS, MCBROOM, IRWIN, CAVANAGH, CHERRY, POLEHANKI, BELLINO, RUNESTAD, GEISS, CAMILLERI, HERTEL, SINGH, MCMORROW and SANTANA and referred to Committee on Regulatory Affairs.

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
(MCL 333.1101 to 333.25211) by adding section 21526.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 21526. (1) Except as otherwise provided in subsection  
2       (3), a hospital shall not require a registered professional nurse  
3       to work more than any of the following:  
4       (a) The registered professional nurse's regularly scheduled  
5       hours according to the registered professional nurse's

1 predetermined work schedule.

2 (b) The hours for which the registered professional nurse is  
3 considered to be on call or is called into work as a result of  
4 being on call.

5 (c) The hours for which the registered professional nurse has  
6 voluntarily agreed to work that exceed the hours described in  
7 subdivisions (a) and (b).

8 (2) If a registered professional nurse works 12 or more  
9 consecutive hours for a hospital, the hospital shall provide the  
10 registered professional nurse with 8 consecutive hours of off-duty  
11 time immediately after the registered professional nurse completes  
12 that shift.

13 (3) Subsection (1) does not apply under any of the following  
14 circumstances:

15 (a) During a declared state of emergency or a mass casualty  
16 incident.

17 (b) If a registered professional nurse is assisting with a  
18 patient-care procedure that extends beyond the registered  
19 professional nurse's regularly scheduled hours according to the  
20 registered professional nurse's predetermined work schedule and the  
21 registered professional nurse's immediate supervisor, other than a  
22 charge nurse, determines that the absence of the registered  
23 professional nurse during the patient-care procedure could have an  
24 adverse effect on the patient.

25 (c) During the first 4 weeks immediately following the initial  
26 declaration of a public health emergency under 42 USC 247d, if the  
27 public health emergency is expected to significantly increase the  
28 rate of patient hospitalization in this state.

29 (d) For 2 consecutive hours immediately following the end of a

1 registered professional nurse's regularly scheduled shift in a  
2 hospital other than a hospital described in subdivision (e) if all  
3 of the following are met:

4 (i) The registered professional nurse cannot be relieved due to  
5 the unexpected absence of the oncoming registered professional  
6 nurse who is intended to relieve the registered professional nurse.

7 (ii) The unexpected absence described in subparagraph (i) was  
8 discovered at or within 1 hour before the commencement of the  
9 oncoming scheduled shift.

10 (iii) The unexpected absence described in subparagraph (i) could  
11 not have been prudently planned for by the hospital and it could  
12 significantly impact patient safety.

13 (e) For 4 consecutive hours immediately following the end of a  
14 registered professional nurse's regularly scheduled shift in a  
15 hospital meeting the requirements described in section 110a(4) (b)  
16 of the social welfare act, 1939 PA 280, MCL 400.110a, if all of the  
17 following are met:

18 (i) The registered professional nurse cannot be relieved due to  
19 the unexpected absence of the oncoming registered professional  
20 nurse who is intended to relieve the registered professional nurse.

21 (ii) The unexpected absence described in subparagraph (i) was  
22 discovered at or within 1 hour before the commencement of the  
23 oncoming scheduled shift.

24 (iii) The unexpected absence described in subparagraph (i) could  
25 not have been prudently planned for by the hospital and it could  
26 significantly impact patient safety.

27 (4) A hospital shall not discharge or discipline, threaten to  
28 discharge or discipline, or otherwise discriminate against a  
29 registered professional nurse who is an employee of the hospital

1 regarding the registered professional nurse's compensation, terms,  
2 conditions, assignment, or privileges of employment because the  
3 registered professional nurse refuses to accept a work assignment  
4 that causes the registered professional nurse's hours to exceed the  
5 hours described in subsection (1).

6 (5) A hospital shall post a notice that informs registered  
7 professional nurses who are employed by the hospital of this  
8 section and how to file a complaint with the department for a  
9 suspected violation of this section. The hospital shall post the  
10 notice described in this subsection in 1 or more conspicuous places  
11 where notices to employees of the hospital are customarily posted  
12 and, if the hospital uses an intranet site to communicate with its  
13 employees, on the hospital's intranet site.

14 (6) A hospital that violates this section is subject to the  
15 administrative sanctions prescribed in section 20165.

16 (7) If a collective bargaining agreement is in effect for  
17 employees of a hospital as of the effective date of the amendatory  
18 act that added this section and if that collective bargaining  
19 agreement prevents compliance with this section, then this section  
20 does not apply until after the expiration of that collective  
21 bargaining agreement.

22 (8) As used in this section:

23 (a) "Declared state of emergency" means an emergency that is  
24 declared by a person authorized by the federal government, a local  
25 government, or this state and that is related to a circumstance  
26 that is unpredictable or unavoidable, affects the delivery of  
27 medical care, and requires an immediate or exceptional level of  
28 emergency or other medical services at the hospital. Declared state  
29 of emergency does not include a public health emergency described

1 in subsection (3)(c) or an emergency that results from a labor  
2 dispute in the health care industry or consistent understaffing in  
3 the hospital.

4 (b) "Mass casualty incident" means an event with a number of  
5 casualties that vastly exceeds the hospital's resources and  
6 capabilities and that occurs in a short and defined period of time.

7 (c) "Registered professional nurse" means that term as defined  
8 in section 17201.

9 (d) "Registered professional nurse's predetermined work  
10 schedule" means the work schedule for the registered professional  
11 nurse that is scheduled more than 24 hours before the beginning of  
12 the registered professional nurse's shift at the hospital.

13 Enacting section 1. This amendatory act does not take effect  
14 unless Senate Bill No. 297 of the 103rd Legislature is enacted into  
15 law.