

HOUSE BILL NO. 6197

June 09, 2022, Introduced by Reps. Rendon, 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 1988 PA 279, entitled

"An act authorizing the governor to proclaim a state of emergency under certain circumstances; to prescribe the powers and duties of certain state and local agencies and officers in relation to the state of emergency; and to prescribe penalties,"

by amending sections 2 and 5 (MCL 10.122 and 10.125).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 2. (1) Subject to subsection (3), if the governor has a
- 2 reasonable basis to believe that a consumer product has been
- 3 adulterated and presents a threat to public safety and health, the

governor may declare a public health state of emergency and order any of the following with regard to that consumer product:

(a) The removal of the consumer product from public display in all retail establishments.

(b) That the consumer product ~~shall~~**must** not be sold or offered for sale during the public health state of emergency.

(c) That any retailer possessing the consumer product shall segregate and hold the consumer product or a portion of the consumer product for disposition by designated law enforcement officials or officials of the department of agriculture **and rural development** or the department of ~~public health~~ **and human services**.

(d) Any other limitations, controls, or prohibitions considered necessary by the governor regarding the manufacture, importation, sale, or transportation of the consumer product.

(2) ~~Any~~**Subject to section 5, an emergency** order issued under subsection (1) may be amended or rescinded at any time by the governor.

(3) If the consumer product is under the authority of the department of agriculture **and rural development** pursuant to the ~~Michigan food law, of 1968, Act No. 39 of the Public Acts of 1968, being sections 289.701 to 289.727 of the Michigan Compiled Laws,~~ **2000 PA 92, MCL 289.1101 to 289.8111**, or under the authority of the department of ~~public health~~ **and human services** pursuant to the public health code, ~~Act No. 368 of the Public Acts of 1978, being sections 333.1101 to 333.25211 of the Michigan Compiled Laws,~~ **1978 PA 368, MCL 333.1101 to 333.25211**, the governor shall not declare a public health state of emergency unless requested to do so by the department that regulates the consumer product. If the governor grants the request, the requesting department shall enforce the

1 provisions of this act.

2 Sec. 5. A public health state of emergency **and order** declared
3 ~~under this act shall exist for not more than 60~~ **section 2 is valid**
4 **for the time period specified in the order or until the order has**
5 **been in effect for 28** days, ~~and shall be renewable by the governor~~
6 ~~for an additional 30 days, at which time the public health state of~~
7 ~~emergency shall end, unless renewed by concurrent~~ **whichever is**
8 **sooner. After 28 days, a public health state of emergency and order**
9 **issued under section 2 is not valid unless a request from the**
10 **governor to extend the emergency and order for a specific number of**
11 **days is approved by a** resolution ~~passed by~~ **of** both houses of the
12 legislature. An amendment to ~~an order of a~~ public health state of
13 emergency ~~shall~~ **and order under section 2(2) is** not ~~be~~ considered a
14 new order.