

**SUBSTITUTE FOR
HOUSE BILL NO. 6128**

A bill to amend 1974 PA 154, entitled
"Michigan occupational safety and health act,"
by amending section 85 (MCL 408.1085), as added by 2020 PA 237; and
to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 85. (1) Notwithstanding any other provision of this act,
2 an employer is not liable under this act for an employee's exposure
3 to COVID-19 if the employer was operating in compliance with all
4 federal, state, and local statutes, rules, and regulations,
5 executive orders, and agency orders related to COVID-19 that had
6 not been denied legal effect at the time of the exposure. An
7 isolated, de minimis deviation from strict compliance with such
8 statutes, rules, regulations, executive orders, and agency orders

unrelated to the employee's exposure to COVID-19 does not deny an employer the immunity provided in this section.

(2) This section does not do any of the following:

(a) Create, recognize, or ratify a claim or cause of action of any kind.

(b) Eliminate a required element of a claim of any kind including, but not limited to, a causation or proximate cause element.

(c) Amend, repeal, alter, or affect any other immunity or limitation of liability.

(d) Affect a right, remedy, or protection under the worker's disability compensation act of 1969, 1969 PA 317, MCL 418.101 to 418.941, including the exclusive application of this act.

(3) This section applies retroactively to an exposure to COVID-19 that occurs after March 1, 2020. **This section does not apply to an exposure to COVID-19 that occurs after July 1, 2022.**

Enacting section 1. Sections 85 and 85a of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1085 and 408.1085a, are repealed effective July 1, 2023.

Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 101st Legislature are enacted into law:

(a) House Bill No. 5244.

(b) Senate Bill No. ____ or House Bill No. 6215 (request no. 06230'22).