

HOUSE BILL NO. 5188

July 01, 2021, Introduced by Reps. Outman, Fink, Beeler, Eisen, Berman, Roth, Beson, Carra, Posthumus, Griffin, Markkanen, Borton, Allor, Lightner, Clements, Paquette, Hornberger, Bollin, Bellino, Hoitenga, Wakeman, Bezotte, LaFave, Maddock, Steven Johnson and Green and referred to the Committee on Oversight.

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
4 order may prohibit the gathering of people for any purpose and may

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

5 (2) If an epidemic described in subsection (1) involves avian
6 influenza or another virus or disease that is or may be spread by
7 contact with animals, the department of agriculture **and rural**
8 **development** shall cooperate with and assist the director in the
9 director's response to the epidemic.

10 (3) ~~Upon~~**On** request from the director, the department of
11 agriculture **and rural development** shall assist the department in
12 any review or update of the department's pandemic influenza plan
13 under section 5112.

14 (4) **An emergency order issued under this section must not do**
15 **any of the following:**

16 (a) **Prohibit, suspend, or limit the business operations of any**
17 **entity engaged in the lawful selling or servicing of a firearm or**
18 **ammunition, including any components or accessories, ammunition-**
19 **reloading equipment and supplies, or personal weapons other than**
20 **firearms.**

21 (b) **Prohibit, suspend, or limit the business operations of any**
22 **indoor or outdoor shooting range, whether located on state lands or**
23 **not, or any entity engaged in providing firearms safety, firearms**
24 **training, firearms license qualification or requalification,**
25 **firearms safety instructor courses, or any similar class, course,**
26 **or program.**

27 (c) **Place restrictions or quantity limitations on any entity**
28 **regarding the lawful sale or servicing of any of the following:**

29 (i) **A firearm, including any component or accessory of a**

1 firearm.

2 (ii) Ammunition, including any component or accessory of
3 ammunition.

4 (iii) Ammunition-reloading equipment and supplies.

5 (iv) A deadly weapon other than a firearm.

6 (d) Suspend, restrict, or prohibit otherwise lawful hunting,
7 fishing, or trapping activities or business entities conducting or
8 directly facilitating lawful hunting, trapping, or fishing
9 activities, whether conducted on state lands and waters or not.

10 (5) A person adversely affected by an emergency order issued
11 or enforced in violation of this section may file an action for
12 damages, injunctive relief, declaratory relief, or other
13 appropriate redress in the court having appropriate subject matter
14 jurisdiction. In addition to any actual damages and other relief
15 provided with respect to an action described in this subsection,
16 the court shall award reasonable court costs and expenses,
17 including litigation costs and attorney fees, to any person that
18 brings the action, regardless of whether the emergency order is
19 rescinded or expires after the civil action was filed but before a
20 final court determination of the action.

21 Sec. 2453. (1) ~~If~~ **Except as otherwise provided in subsection**
22 **(3), if** a local health officer determines that control of an
23 epidemic is necessary to protect the public health, the local
24 health officer may issue an emergency order to prohibit the
25 gathering of people for any purpose and may establish procedures to
26 be followed by persons, including a local governmental entity,
27 during the epidemic to ~~insure~~ **ensure** continuation of essential
28 public health services and enforcement of health laws. Emergency
29 procedures ~~shall~~ **are** not ~~be~~ limited to this code.

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

5 (3) An emergency order issued under this section must not do
6 any of the following:

7 (a) Prohibit, suspend, or limit the business operations of any
8 entity engaged in the lawful selling or servicing of a firearm or
9 ammunition, including any components or accessories, ammunition-
10 reloading equipment and supplies, or personal weapons other than
11 firearms.

12 (b) Prohibit, suspend, or limit the business operations of any
13 indoor or outdoor shooting range, whether located on state lands or
14 not, or any entity engaged in providing firearms safety, firearms
15 training, firearms license qualification or requalification,
16 firearms safety instructor courses, or any similar class, course,
17 or program.

18 (c) Place restrictions or quantity limitations on any entity
19 regarding the lawful sale or servicing of any of the following:

20 (i) A firearm, including any component or accessory of a
21 firearm.

22 (ii) Ammunition, including any component or accessory of
23 ammunition.

24 (iii) Ammunition-reloading equipment and supplies.

25 (iv) A deadly weapon other than a firearm.

26 (d) Suspend, restrict, or prohibit otherwise lawful hunting,
27 fishing, or trapping activities or business entities conducting or
28 directly facilitating lawful hunting, trapping, or fishing
29 activities, whether conducted on state lands and waters or not.

1 (4) A person adversely affected by an emergency order issued
2 or enforced in violation of this section may file an action for
3 damages, injunctive relief, declaratory relief, or other
4 appropriate redress in the court having appropriate subject matter
5 jurisdiction. In addition to any actual damages and other relief
6 provided with respect to an action described in this subsection,
7 the court shall award reasonable court costs and expenses,
8 including litigation costs and attorney fees, to any person that
9 brings the action, regardless of whether the emergency order is
10 rescinded or expires after the civil action was filed but before a
11 final court determination of the action.