

HOUSE BILL NO. 6214

June 09, 2022, Introduced by Reps. Calley, Steven Johnson, Tisdell, Bollin, Beeler, Meerman, Rendon, Bellino, Hoitenga, Clements, Lightner, Eisen, Allor, Outman and Alexander and referred to the Committee on Oversight.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 5203 and 5209 (MCL 333.5203 and 333.5209),
section 5203 as amended and section 5209 as added by 1988 PA 490.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5203. (1) Upon a determination by a department
2 representative or a local health officer that an individual is a
3 carrier and is a health threat to others, the department
4 representative or local health officer shall issue a warning notice

1 to the individual requiring the individual to cooperate with the
2 department or local health department in efforts to prevent or
3 control transmission of serious communicable diseases or
4 infections. The warning notice may also require the individual to
5 participate in education, counseling, or treatment programs, and to
6 undergo medical tests to verify the person's status as a carrier.

7 (2) A warning notice issued under subsection (1) ~~shall~~**must** be
8 in writing, except that in urgent circumstances, the warning notice
9 may be an oral statement, followed by a written statement within 3
10 days. A warning notice ~~shall~~**must** be individual and specific and
11 ~~shall~~**must** not be issued to a class of persons. A written warning
12 notice ~~shall~~**must** be served either by registered mail, return
13 receipt requested, or personally by an individual who is employed
14 by, or under contract to, the department or a local health
15 department.

16 (3) A warning notice issued under subsection (1) ~~shall~~**must**
17 include a statement that unless the individual takes the action
18 requested in the warning notice, the department representative or
19 local health officer shall seek an order from the ~~probate court,~~
20 **circuit court for the county of Ingham or for the county served by**
21 **the local health department**, pursuant to this part. The warning
22 notice ~~shall~~**must** also state that, except in cases of emergency,
23 the individual to whom the warning notice is issued has the right
24 to notice and a hearing and other rights provided in this part
25 before the ~~probate court~~ issues an order.

26 (4) **If a warning notice is issued under subsection (1) by a**
27 **department representative or a local health officer, the department**
28 **representative or the local health officer shall provide notice of**
29 **the issuance to all of the following within 24 hours:**

1 (a) The senate majority leader and the speaker of the house of
2 representatives.

3 (b) Standing committees in the senate and house of
4 representatives that deal primarily with oversight.

5 (c) Any other standing committee in the senate and house of
6 representatives that the department representative or local health
7 officer considers necessary or appropriate.

8 Sec. 5209. This part does not limit the power of the
9 department, a local health department, or ~~the probate~~ **a circuit**
10 court to deal with the prevention and control of communicable
11 diseases and infections.