

Understanding Health Orders Issued Under the Michigan Public Health Code

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What is the Michigan Public Health Code?

The Michigan Public Health Code was established by the Michigan State Legislature in 1978 for the protection and promotion of the public health. Specifically, the law states that health officers “may take actions and make determinations necessary or appropriate to carry out the local health department’s functions under this part or functions delegated under this part and to protect the public health and prevent disease.” [MCL 333.2428(2)].

The public health code requires health departments to “continually and diligently endeavor to prevent disease, prolong life, and promote the public health . . .” [MCL 333.2433(1)]. This includes “prevention and control of diseases.” When it created, the Legislature stated that “this code shall be liberally construed for the protection of the health, safety, and welfare of the people of this state.” [MCL 333.1111(2)]. As far back as 1883, the Legislature authorized local health officers to investigate outbreaks of communicable diseases and mandate sanitary measures to combat the disease.

Enforcement of local health orders

Violating health orders is a misdemeanor. However, the goal of a local order is to encourage compliance for the sake of everyone's safety, not to penalize people.

Violations to state and local orders can be reported to local law enforcement. Responses to violations may vary according to the urgency of any given situation and the availability of law enforcement. First steps will always include education and engagement rather than penalties. Violations are subject to citations and penalties as outlined in the Michigan Public Health Code. The Washtenaw County Board of Commissioners has passed a [resolution](#) detailing the schedule of monetary penalties for violations of local orders.

For local health orders in educational settings, violations will first be addressed with school policy/procedures.

If the situation cannot be addressed through school policy/procedures, the Health Department can issue civil monetary penalties and misdemeanors under the Michigan Public Health Code.

Things to know

- The local health officer’s power is not limitless – they can only issue orders when necessary to control an epidemic. COVID-19 is an epidemic. Data shows that this epidemic still has not been controlled.
- The Orders issued by a health officer are completely separate from any executive orders issued by the Governor and do not require the existence of any state or county “state of emergency” declaration.
- The Board of Commissioners (BOC) cannot intervene on a local public health order. The BOC has no authority to second guess, override, veto, rescind, amend, or modify a local public health order. On September 15, 2021, the BOC passed a [resolution](#) in support of the ability of all local health officers in our state to make decisions to protect public health based on the best scientific information available and free from political pressure.

Materials adopted from the Oakland County Health Department and Kent County.

