

MEMORANDUM

TO: Stephen K. Postema
City Attorney
City of Ann Arbor

FROM: Steven C. Liedel

RE: Mandatory COVID-19 Vaccination Policies Under Michigan Public Act 86 of 2021 (HB 4400) and Michigan Public Act 87 of 2021

DATE: October 12, 2021

QUESTIONS PRESENTED

1. Do the provisions relating to mandatory COVID-19 vaccine policies included in Public Act 86 of 2021¹ (“**PA 86**”) apply to the City of Ann Arbor (the “**City**”) or its employees?
2. Do the provisions relating to mandatory COVID-19 vaccine policies included in Public Act 87 of 2021² (“**PA 87**”) apply to the City or its employees?

BRIEF ANSWERS

1. No. PA 86 amends an appropriations act authorizing the expenditure of money to aid in the support of community colleges and state public universities. The provisions of PA 86 relating to mandatory COVID-19 policies apply only to community colleges and state public universities, not to the City or its employees. PA 86 has no legal effect upon any mandatory COVID-19 vaccine policy adopted by the City and applied to its employees.
2. No. PA 87 is an appropriations act authorizing the expenditure money to state departments and agencies and to the legislative and judicial branches of state government. aid community colleges and state public universities. The act provides no funding to a department, agency, board,

¹ Before final enactment PA 86 was presented to the governor as Enrolled House Bill 4400.

² Prior final enactment, PA 87 was presented to the governor as Enrolled Senate Bill 82.

commission, or public officer of the City. PA 87 has no legal effect upon any mandatory COVID-19 vaccine policy adopted by the City and applied to its employees.

FACTS

Public Act 86 of 2021

PA 86 amends The State School Aid Act of 1979 (the “**School Aid Act**”), which is an act that authorizes the expenditure of money to aid in the support of schools, intermediate school districts, community colleges, and state public universities. Money is appropriated only to community colleges and state public universities by the School Aid Act amendments included in PA 86. No money is appropriated to the City.

Section 201h of PA 86 purports to require a community college that (1) receives an appropriation in section 201 of PA 86, and that (2) establishes a mandatory COVID-19 vaccine policy to provide exemptions from the policy to specified students. See exhibit A for the text of section 201h of PA 86.

Section 275i of PA 86 purports to require a public university that (1) receives an appropriation in section 236 of PA 86, and that (2) establishes a mandatory COVID-19 vaccine policy to provide exemptions from the policy to specified students. See exhibit B for the text of section 275i of PA 86.

Public Act 87 of 2021

PA 87 is an act making appropriations to state departments and agencies and the legislative and executive branches of state government for the fiscal year beginning on October 1, 2021 and ending on September 30, 2022. PA 87 is not a state law of general applicability. PA 87 also makes supplemental appropriations for the state fiscal year ending on September 30, 2021. Twelve sections of PA 87 relating to the state fiscal year ending on September 30, 2022 purport to impose restrictions relating to COVID-19 vaccines upon departments, agencies, board, commissions, and public officers receiving funding under PA 87.

Section 222 of part 2 of article 1 of PA 87 relates to appropriations to the Michigan Department of Agriculture and Rural Development, purporting to prohibit a department, agency, board, commission, or public officer that receives funding under part 1 of article 1 of PA 87 from taking specified actions relating to COVID-19 vaccines. See exhibit C for the text of section 222 of part 2 of article 1 of PA 87.

Section 224 of part 2 of article 2 of PA 87 relates to appropriations to the Michigan Department of Corrections, purporting to prohibit a department, agency, board, commission, or public officer

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that receives funding under part 1 of article 2 of PA 87 from taking specified actions relating to COVID-19 vaccines. See exhibit D for the text of section 224 of part 2 of article 2 of PA 87.

Section 227 of part 2 of article 3 of PA 87 relates to appropriations to the Michigan Department of Corrections, purporting to prohibit a department, agency, board, commission, or public officer that receives funding under part 1 of article 3 of PA 87 from taking specified actions relating to COVID-19 vaccines. See exhibit E for the text of section 227 of part 2 of article 3 of PA 87.

Section 222 of part 2 of article 4 of PA 87 relates to appropriations to the Michigan Department of Environment, Great Lakes, and Energy, purporting to prohibit a department, agency, board, commission, or public officer that receives funding under part 1 of article 4 of PA 87 from taking specified actions relating to COVID-19 vaccines. See exhibit F for the text of section 222 of part 2 of article 4 of PA 87.

Section 225 of part 2 of article 5 of PA 87 relates to appropriations for the legislative branch of state government, the executive office of the governor, the Department of Attorney General, the Department of State, the Department of Treasury, the Department of Technology, Management, and Budget, the Department of Civil Rights, and the Department of Labor and Economic Opportunity, purporting to prohibit a department, agency, board, commission, or public officer that receives funding under part 1 of article 5 of PA 87 from taking specified actions relating to COVID-19 vaccines. See exhibit G for the text of section 225 of part 2 of article 5 of PA 87.

Section 237 of part 2 of article 6 of PA 87 relates to appropriations for the Department of Health and Human Services, purporting to prohibit a department, agency, board, commission, or public officer that receives funding under part 1 of article 6 of PA 87 from taking specified actions relating to COVID-19 vaccines. See exhibit H for the text of section 237 of part 2 of article 6 of PA 87.

Section 222 of part 2 of article 7 of PA 87 relates to appropriations for the Department of Insurance and Financial Services, purporting to prohibit a department, agency, board, commission, or public officer that receives funding under part 1 of article 7 of PA 87 from taking specified actions relating to COVID-19 vaccines. See exhibit I for the text of section 222 of part 2 of article 7 of PA 87.

Section 222 of part 2 of article 9 of PA 87 relates to appropriations for the Department of Licensing and Regulatory Affairs, purporting to prohibit a department, agency, board, commission, or public officer that receives funding under part 1 of article 9 of PA 87 from taking specified actions relating to COVID-19 vaccines. See exhibit J for the text of section 222 of part 2 of article 9 of PA 87.

Section 228 of part 2 of article 10 of PA 87 relates to appropriations for the Department of Military and Veterans Affairs, purporting to prohibit a department, agency, board, commission, or public officer that receives funding under part 1 of article 10 of PA 87 from taking specified actions

relating to COVID-19 vaccines. See exhibit K for the text of section 228 of part 2 of article 10 of PA 87.

Section 222 of part 2 of article 11 of PA 87 relates to appropriations for the Department of Natural Resources, purporting to prohibit a department, agency, board, commission, or public officer that receives funding under part 1 of article 11 of PA 87 from taking specified actions relating to COVID-19 vaccines. See exhibit L for the text of section 222 of part 2 of article 11 of PA 87.

Section 222 of part 2 of article 12 of PA 87 relates to appropriations for the Department of State Police, purporting to prohibit a department, agency, board, commission, or public officer that receives funding under part 1 of article 12 of PA 87 from taking specified actions relating to COVID-19 vaccines. See exhibit M for the text of section 222 of part 2 of article 12 of PA 87.

Section 222 of part 2 of article 13 of PA 87 relates to appropriations for the Department of Transportation, purporting to prohibit a department, agency, board, commission, or public officer that receives funding under part 1 of article 13 of PA 87 from taking specified actions relating to COVID-19 vaccines. See exhibit N for the text of section 222 of part 2 of article 13 of PA 87.

ANALYSIS

Public Act 86 of 2021

PA 86 makes appropriations to community colleges and public universities, not other types of governmental entities or political subdivisions of the State of Michigan. No money is appropriated to the City in PA 86.

The City is not a community college. Therefore, the requirements of section 201h of PA 86, which purports to require a community college to provide specified exemptions from any mandatory COVID-19 vaccine policy adopted by that community college do not apply to the City or its employees.

The City is not a public university. Therefore, the requirements of section 275i of PA 86, which purports to require a public university to provide specified exemptions from any mandatory COVID-19 vaccine policy adopted by that public university do not apply to the City or its employees.

Public Act 87 of 2021

The twelve provisions of PA 87 detailed on exhibits C to N that purport to restrict mandatory COVID-19 vaccine policies only apply to a “department, agency, board, ,commission, or public

officer”³ receiving funding under part 1 of several articles of PA 87. The money appropriated under PA 87 is appropriated for state departments, state agencies, the legislative branch of state government, and the executive office of the governor. An appropriation is an authorization to expend an amount of money for a specified purpose, but not a mandate to spend.⁴

While PA 87 may authorize state entities to expend money for authorized purposes, no provision of the act provides funding to a department of the City, an agency of the City, a board of the City, a commission of the City, or a public officer of the City.

While media reports, public statements made by legislators, and correspondence from representatives of law enforcement officers may have concluded that PA 87 somehow restricts the City from adopting a mandatory COVID-19 vaccine policy, the plain language of PA 87 indicates otherwise. The plain text enacted by the Michigan Legislature in PA 87 that purports to impose restrictions on mandatory COVID-19 vaccine policies by its own terms simply does not apply to the City or its employees.

CONCLUSION

The provisions of PA 86 relating to exemptions from mandatory COVID-19 vaccine policies apply to colleges and public universities to the extent permitted under the Michigan Constitution of 1963, but do not apply to the City or its employees.

While the provisions of PA 87 purporting to restrict mandatory COVID-19 vaccine policies may apply to the departments, agencies, board, commissions, or public officers that receive funding under a part of PA 87 to the extent permitted under the Michigan Constitution of 1963, no department, agency, board, commission, or public officer of the City is providing funding under PA 87. The restrictive provisions included in PA 87 therefore do not apply to the City or its employees.

SCL

³ The term “public officer” is defined to mean a person appointed by the governor or another executive department official or an elected or appointed official of this state or a political subdivision of this state.

⁴ Const 1963, art 5, § 20.

EXHIBIT A

Text of Section 210h of Public Act 86 of 2021⁵

Sec. 210h. (1) If a community college that receives an appropriation in section 201 establishes a mandatory COVID-19 vaccine policy, it shall provide exemptions to that policy to the following students:

(a) Any student for whom a physician certifies that a COVID-19 vaccine is or may be detrimental to the student's health or is not appropriate.

(b) Any student who provides a written statement to the effect that the requirements of the COVID-19 vaccine policy cannot be met because of religious convictions or other consistently held objection to immunization.

(2) It must be presumed that a student who requests an exemption under subsection (1) is entitled to that exemption. The community college shall grant that student's request unless it determines by clear and convincing evidence that the student is not entitled to that exemption.

(3) A community college shall not deny a student's request for an exemption until it has exhausted every reasonable accommodation.

(4) If a community college denies a student's request for an exemption, the community college shall issue a report fully explaining its reasons for the denial. That report must describe all reasonable accommodations the community college offered the student and the student's response.

(5) Every community college shall submit a written report regarding its actions taken under this section no later than March 15 of each year to the senate and house appropriations subcommittees on community colleges, the senate and house fiscal agencies, and the state budget director. This annual report must include the following information, which may be obtained from any reliable source that complies with applicable laws regarding student privacy:

(a) The number of students who have requested an exemption from the community college's COVID-19 vaccine policy.

(b) The number of students who have been granted an exemption.

⁵ 2021 PA 86, § 201h <<http://www.legislature.mi.gov/documents/2021-2022/publicact/pdf/2021-PA-0086.pdf>> (accessed October 12, 2021).

EXHIBIT B

Text of Section 275i of Public Act 86 of 2021⁶

Sec. 275i. (1) If a public university that receives an appropriation in section 236 establishes a mandatory COVID-19 vaccine policy, it shall provide exemptions to that policy to the following students:

(a) Any student for whom a physician certifies that a COVID-19 vaccine is or may be detrimental to the student's health or is not appropriate.

(b) Any student who provides a written statement to the effect that the requirements of the COVID-19 vaccine policy cannot be met because of religious convictions or other consistently held objection to immunization.

(2) It must be presumed that a student who requests an exemption under subsection (1) is entitled to that exemption. The public university shall grant that student's request unless it determines by clear and convincing evidence that the student is not entitled to that exemption.

(3) A public university shall not deny a student's request for an exemption until it has exhausted every reasonable accommodation.

(4) If a public university denies a student's request for an exemption, the public university shall issue a report fully explaining its reasons for the denial. That report must describe all reasonable accommodations the public university offered the student and the student's response.

⁶ 2021 PA 86, § 275i <<http://www.legislature.mi.gov/documents/2021-2022/publicact/pdf/2021-PA-0086.pdf>> (accessed October 12, 2021).

EXHIBIT C

Text of Section 222 of Part 2 of Article 1 of Public Act 87 of 2021⁷

Sec. 222. (1) Any department, agency, board, commission, or public officer that receives funding under part 1 shall not:

(a) Require as a condition of accessing any facility or receiving services that an individual provide proof that he or she has received a COVID-19 vaccine except as provided by federal law or as a condition of receiving federal Medicare or Medicaid funding.

(b) Produce, develop, issue, or require a COVID-19 vaccine passport.

(c) Develop a database or make any existing database publicly available to access an individual's COVID-19 vaccine status by any person, company, or governmental entity.

(d) Require as a condition of employment that an employee or official provide proof that he or she has received a COVID-19 vaccine. This subdivision does not apply to any hospital, congregate care facility, or other medical facility or any hospital, congregate care facility, or other medical facility operated by a local subdivision that receives federal Medicare or Medicaid funding.

(2) A department, agency, board, commission, or public officer may not subject any individual to any negative employment consequence, retaliation, or retribution because of that individual's COVID-19 vaccine status.

(3) Subsection (1) does not prohibit any person, department, agency, board, commission, or public officer from transmitting proof of an individual's COVID-19 vaccine status to any person, company, or governmental entity, so long as the individual provides affirmative consent.

(4) If a department, agency, board, commission, subdivision, or official or public officer is required to establish a vaccine policy due to a federal mandate, it must provide exemptions to any COVID-19 vaccine policy to the following individuals:

(a) An individual for whom a physician certifies that a COVID-19 vaccine is or may be detrimental to the individual's health or is not appropriate.

(b) An individual who provides a written statement to the effect that the requirements of the COVID-19 vaccine policy cannot be met because of religious convictions or other consistently held objection to immunization.

(5) As used in this section, "public officer" means a person appointed by the governor or another executive department official or an elected or appointed official of this state or a political subdivision of this state.

⁷ 2021 PA 87, Article 1, Part 2, § 222 <<http://www.legislature.mi.gov/documents/2021-2022/publicact/pdf/2021-PA-0087.pdf>> (accessed October 12, 2021).

EXHIBIT D

Text of Section 224 of Part 2 of Article 2 of Public Act 87 of 2021⁸

Sec. 224. (1) Any department, agency, board, commission, or public officer that receives funding under part 1 shall not:

(a) Require as a condition of accessing any facility or receiving services that an individual provide proof that he or she has received a COVID-19 vaccine except as provided by federal law or as a condition of receiving federal Medicare or Medicaid funding.

(b) Produce, develop, issue, or require a COVID-19 vaccine passport.

(c) Develop a database or make any existing database publicly available to access an individual's COVID-19 vaccine status by any person, company, or governmental entity.

(d) Require as a condition of employment that an employee or official provide proof that he or she has received a COVID-19 vaccine. This subdivision does not apply to any hospital, congregate care facility, or other medical facility or any hospital, congregate care facility, or other medical facility operated by a local subdivision that receives federal Medicare or Medicaid funding.

(2) A department, agency, board, commission, or public officer may not subject any individual to any negative employment consequence, retaliation, or retribution because of that individual's COVID-19 vaccine status.

(3) Subsection (1) does not prohibit any person, department, agency, board, commission, or public officer from transmitting proof of an individual's COVID-19 vaccine status to any person, company, or governmental entity, so long as the individual provides affirmative consent.

(4) If a department, agency, board, commission, subdivision, or official or public officer is required to establish a vaccine policy due to a federal mandate, it must provide exemptions to any COVID-19 vaccine policy to the following individuals:

(a) An individual for whom a physician certifies that a COVID-19 vaccine is or may be detrimental to the individual's health or is not appropriate.

(b) An individual who provides a written statement to the effect that the requirements of the COVID-19 vaccine policy cannot be met because of religious convictions or other consistently held objection to immunization.

(5) As used in this section, "public officer" means a person appointed by the governor or another executive department official or an elected or appointed official of this state or a political subdivision of this state.

⁸ 2021 PA 87, Article 2, Part 2, § 224 <<http://www.legislature.mi.gov/documents/2021-2022/publicact/pdf/2021-PA-0087.pdf>> (accessed October 12, 2021).

EXHIBIT E

Text of Section 227 of Part 2 of Article 3 of Public Act 87 of 2021⁹

Sec. 227. (1) Any department, agency, board, commission, or public officer that receives funding under part 1 shall not:

(a) Require as a condition of accessing any facility or receiving services that an individual provide proof that he or she has received a COVID-19 vaccine except as provided by federal law or as a condition of receiving federal Medicare or Medicaid funding.

(b) Produce, develop, issue, or require a COVID-19 vaccine passport.

(c) Develop a database or make any existing database publicly available to access an individual's COVID-19 vaccine status by any person, company, or governmental entity.

(d) Require as a condition of employment that an employee or official provide proof that he or she has received a COVID-19 vaccine. This subdivision does not apply to any hospital, congregate care facility, or other medical facility or any hospital, congregate care facility, or other medical facility operated by a local subdivision that receives federal Medicare or Medicaid funding.

(2) A department, agency, board, commission, or public officer may not subject any individual to any negative employment consequence, retaliation, or retribution because of that individual's COVID-19 vaccine status.

(3) Subsection (1) does not prohibit any person, department, agency, board, commission, or public officer from transmitting proof of an individual's COVID-19 vaccine status to any person, company, or governmental entity, so long as the individual provides affirmative consent.

(4) If a department, agency, board, commission, subdivision, or official or public officer is required to establish a vaccine policy due to a federal mandate, it must provide exemptions to any COVID-19 vaccine policy to the following individuals:

(a) An individual for whom a physician certifies that a COVID-19 vaccine is or may be detrimental to the individual's health or is not appropriate.

(b) An individual who provides a written statement to the effect that the requirements of the COVID-19 vaccine policy cannot be met because of religious convictions or other consistently held objection to immunization.

(5) As used in this section, "public officer" means a person appointed by the governor or another executive department official or an elected or appointed official of this state or a political subdivision of this state.

⁹ 2021 PA 87, Article 3, Part 2, § 227 <<http://www.legislature.mi.gov/documents/2021-2022/publicact/pdf/2021-PA-0087.pdf>> (accessed October 12, 2021).

EXHIBIT F

Text of Section 222 of Part 2 of Article 4 of Public Act 87 of 2021¹⁰

Sec. 222. (1) Any department, agency, board, commission, or public officer that receives funding under part 1 shall not:

(a) Require as a condition of accessing any facility or receiving services that an individual provide proof that he or she has received a COVID-19 vaccine except as provided by federal law or as a condition of receiving federal Medicare or Medicaid funding.

(b) Produce, develop, issue, or require a COVID-19 vaccine passport.

(c) Develop a database or make any existing database publicly available to access an individual's COVID-19 vaccine status by any person, company, or governmental entity.

(d) Require as a condition of employment that an employee or official provide proof that he or she has received a COVID-19 vaccine. This subdivision does not apply to any hospital, congregate care facility, or other medical facility or any hospital, congregate care facility, or other medical facility operated by a local subdivision that receives federal Medicare or Medicaid funding.

(2) A department, agency, board, commission, or public officer may not subject any individual to any negative employment consequence, retaliation, or retribution because of that individual's COVID-19 vaccine status.

(3) Subsection (1) does not prohibit any person, department, agency, board, commission, or public officer from transmitting proof of an individual's COVID-19 vaccine status to any person, company, or governmental entity, so long as the individual provides affirmative consent.

(4) If a department, agency, board, commission, subdivision, or official or public officer is required to establish a vaccine policy due to a federal mandate, it must provide exemptions to any COVID-19 vaccine policy to the following individuals:

(a) An individual for whom a physician certifies that a COVID-19 vaccine is or may be detrimental to the individual's health or is not appropriate.

(b) An individual who provides a written statement to the effect that the requirements of the COVID-19 vaccine policy cannot be met because of religious convictions or other consistently held objection to immunization.

(5) As used in this section, "public officer" means a person appointed by the governor or another executive department official or an elected or appointed official of this state or a political subdivision of this state.

¹⁰ 2021 PA 87, Article 5, Part 2, § 225 <<http://www.legislature.mi.gov/documents/2021-2022/publicact/pdf/2021-PA-0087.pdf>> (accessed October 12, 2021).

EXHIBIT G

Text of Section 225 of Part 2 of Article 5 of Public Act 87 of 2021¹¹

Sec. 225. (1) Any department, agency, board, commission, or public officer that receives funding under part 1 shall not:

(a) Require as a condition of accessing any facility or receiving services that an individual provide proof that he or she has received a COVID-19 vaccine except as provided by federal law or as a condition of receiving federal Medicare or Medicaid funding.

(b) Produce, develop, issue, or require a COVID-19 vaccine passport.

(c) Develop a database or make any existing database publicly available to access an individual's COVID-19 vaccine status by any person, company, or governmental entity.

(d) Require as a condition of employment that an employee or official provide proof that he or she has received a COVID-19 vaccine. This subdivision does not apply to any hospital, congregate care facility, or other medical facility or any hospital, congregate care facility, or other medical facility operated by a local subdivision that receives federal Medicare or Medicaid funding.

(2) A department, agency, board, commission, or public officer may not subject any individual to any negative employment consequence, retaliation, or retribution because of that individual's COVID-19 vaccine status.

(3) Subsection (1) does not prohibit any person, department, agency, board, commission, or public officer from transmitting proof of an individual's COVID-19 vaccine status to any person, company, or governmental entity, so long as the individual provides affirmative consent.

(4) If a department, agency, board, commission, subdivision, or official or public officer is required to establish a vaccine policy due to a federal mandate, it must provide exemptions to any COVID-19 vaccine policy to the following individuals:

(a) An individual for whom a physician certifies that a COVID-19 vaccine is or may be detrimental to the individual's health or is not appropriate.

(b) An individual who provides a written statement to the effect that the requirements of the COVID-19 vaccine policy cannot be met because of religious convictions or other consistently held objection to immunization.

(5) As used in this section, "public officer" means a person appointed by the governor or another executive department official or an elected or appointed official of this state or a political subdivision of this state.

¹¹ 2021 PA 87, Article 5, Part 2, § 225 <<http://www.legislature.mi.gov/documents/2021-2022/publicact/pdf/2021-PA-0087.pdf>> (accessed October 12, 2021).

EXHIBIT H

Text of Section 237 of Part 2 of Article 7 of Public Act 87 of 2021¹²

Sec. 237. (1) Any department, agency, board, commission, or public officer that receives funding under part 1 shall not:

(a) Require as a condition of accessing any facility or receiving services that an individual provide proof that he or she has received a COVID-19 vaccine except as provided by federal law or as a condition of receiving federal Medicare or Medicaid funding.

(b) Produce, develop, issue, or require a COVID-19 vaccine passport.

(c) Develop a database or make any existing database publicly available to access an individual's COVID-19 vaccine status by any person, company, or governmental entity.

(d) Require as a condition of employment that an employee or official provide proof that he or she has received a COVID-19 vaccine. This subdivision does not apply to any hospital, congregate care facility, or other medical facility or any hospital, congregate care facility, or other medical facility operated by a local subdivision that receives federal Medicare or Medicaid funding.

(2) A department, agency, board, commission, or public officer may not subject any individual to any negative employment consequence, retaliation, or retribution because of that individual's COVID-19 vaccine status.

(3) Subsection (1) does not prohibit any person, department, agency, board, commission, or public officer from transmitting proof of an individual's COVID-19 vaccine status to any person, company, or governmental entity, so long as the individual provides affirmative consent.

(4) If a department, agency, board, commission, subdivision, or official or public officer is required to establish a vaccine policy due to a federal mandate, it must provide exemptions to any COVID-19 vaccine policy to the following individuals:

(a) An individual for whom a physician certifies that a COVID-19 vaccine is or may be detrimental to the individual's health or is not appropriate.

(b) An individual who provides a written statement to the effect that the requirements of the COVID-19 vaccine policy cannot be met because of religious convictions or other consistently held objection to immunization.

(5) As used in this section, "public officer" means a person appointed by the governor or another executive department official or an elected or appointed official of this state or a political subdivision of this state.

¹² 2021 PA 87, Article 6, Part 2, § 237 <<http://www.legislature.mi.gov/documents/2021-2022/publicact/pdf/2021-PA-0087.pdf>> (accessed October 12, 2021).

EXHIBIT I

Text of Section 222 of Part 2 of Article 7 of Public Act 87 of 2021¹³

Sec. 222. (1) Any department, agency, board, commission, or public officer that receives funding under part 1 shall not:

(a) Require as a condition of accessing any facility or receiving services that an individual provide proof that he or she has received a COVID-19 vaccine except as provided by federal law or as a condition of receiving federal Medicare or Medicaid funding.

(b) Produce, develop, issue, or require a COVID-19 vaccine passport.

(c) Develop a database or make any existing database publicly available to access an individual's COVID-19 vaccine status by any person, company, or governmental entity.

(d) Require as a condition of employment that an employee or official provide proof that he or she has received a COVID-19 vaccine. This subdivision does not apply to any hospital, congregate care facility, or other medical facility or any hospital, congregate care facility, or other medical facility operated by a local subdivision that receives federal Medicare or Medicaid funding.

(2) A department, agency, board, commission, or public officer may not subject any individual to any negative employment consequence, retaliation, or retribution because of that individual's COVID-19 vaccine status.

(3) Subsection (1) does not prohibit any person, department, agency, board, commission, or public officer from transmitting proof of an individual's COVID-19 vaccine status to any person, company, or governmental entity, so long as the individual provides affirmative consent.

(4) If a department, agency, board, commission, subdivision, or official or public officer is required to establish a vaccine policy due to a federal mandate, it must provide exemptions to any COVID-19 vaccine policy to the following individuals:

(a) An individual for whom a physician certifies that a COVID-19 vaccine is or may be detrimental to the individual's health or is not appropriate.

(b) An individual who provides a written statement to the effect that the requirements of the COVID-19 vaccine policy cannot be met because of religious convictions or other consistently held objection to immunization.

(5) As used in this section, "public officer" means a person appointed by the governor or another executive department official or an elected or appointed official of this state or a political subdivision of this state.

¹³ 2021 PA 87, Article 7, Part 2, § 222 <<http://www.legislature.mi.gov/documents/2021-2022/publicact/pdf/2021-PA-0087.pdf>> (accessed October 12, 2021).

EXHIBIT J

Text of Section 222 of Part 2 of Article 9 of Public Act 87 of 2021¹⁴

Sec. 222. (1) Any department, agency, board, commission, or public officer that receives funding under part 1 shall not:

(a) Require as a condition of accessing any facility or receiving services that an individual provide proof that he or she has received a COVID-19 vaccine except as provided by federal law or as a condition of receiving federal Medicare or Medicaid funding.

(b) Produce, develop, issue, or require a COVID-19 vaccine passport.

(c) Develop a database or make any existing database publicly available to access an individual's COVID-19 vaccine status by any person, company, or governmental entity.

(d) Require as a condition of employment that an employee or official provide proof that he or she has received a COVID-19 vaccine. This subdivision does not apply to any hospital, congregate care facility, or other medical facility or any hospital, congregate care facility, or other medical facility operated by a local subdivision that receives federal Medicare or Medicaid funding.

(2) A department, agency, board, commission, or public officer may not subject any individual to any negative employment consequence, retaliation, or retribution because of that individual's COVID-19 vaccine status.

(3) Subsection (1) does not prohibit any person, department, agency, board, commission, or public officer from transmitting proof of an individual's COVID-19 vaccine status to any person, company, or governmental entity, so long as the individual provides affirmative consent.

(4) If a department, agency, board, commission, subdivision, or official or public officer is required to establish a vaccine policy due to a federal mandate, it must provide exemptions to any COVID-19 vaccine policy to the following individuals:

(a) An individual for whom a physician certifies that a COVID-19 vaccine is or may be detrimental to the individual's health or is not appropriate.

(b) An individual who provides a written statement to the effect that the requirements of the COVID-19 vaccine policy cannot be met because of religious convictions or other consistently held objection to immunization.

(5) As used in this section, "public officer" means a person appointed by the governor or another executive department official or an elected or appointed official of this state or a political subdivision of this state.

¹⁴ 2021 PA 87, Article 9, Part 2, § 222 <<http://www.legislature.mi.gov/documents/2021-2022/publicact/pdf/2021-PA-0087.pdf>> (accessed October 12, 2021).

EXHIBIT K

Text of Section 228 of Part 2 of Article 10 of Public Act 87 of 2021¹⁵

Sec. 228. (1) Any department, agency, board, commission, or public officer that receives funding under part 1 shall not:

(a) Require as a condition of accessing any facility or receiving services that an individual provide proof that he or she has received a COVID-19 vaccine except as provided by federal law or as a condition of receiving federal Medicare or Medicaid funding.

(b) Produce, develop, issue, or require a COVID-19 vaccine passport.

(c) Develop a database or make any existing database publicly available to access an individual's COVID-19 vaccine status by any person, company, or governmental entity.

(d) Require as a condition of employment that an employee or official provide proof that he or she has received a COVID-19 vaccine. This subdivision does not apply to any hospital, congregate care facility, or other medical facility or any hospital, congregate care facility, or other medical facility operated by a local subdivision that receives federal Medicare or Medicaid funding.

(2) A department, agency, board, commission, or public officer may not subject any individual to any negative employment consequence, retaliation, or retribution because of that individual's COVID-19 vaccine status.

(3) Subsection (1) does not prohibit any person, department, agency, board, commission, or public officer from transmitting proof of an individual's COVID-19 vaccine status to any person, company, or governmental entity, so long as the individual provides affirmative consent.

(4) If a department, agency, board, commission, subdivision, or official or public officer is required to establish a vaccine policy due to a federal mandate, it must provide exemptions to any COVID-19 vaccine policy to the following individuals:

(a) An individual for whom a physician certifies that a COVID-19 vaccine is or may be detrimental to the individual's health or is not appropriate.

(b) An individual who provides a written statement to the effect that the requirements of the COVID-19 vaccine policy cannot be met because of religious convictions or other consistently held objection to immunization.

(5) As used in this section, "public officer" means a person appointed by the governor or another executive department official or an elected or appointed official of this state or a political subdivision of this state.

¹⁵ 2021 PA 87, Article 10, Part 2, § 228 <<http://www.legislature.mi.gov/documents/2021-2022/publicact/pdf/2021-PA-0087.pdf>> (accessed October 12, 2021).

EXHIBIT L

Text of Section 222 of Part 2 of Article 11 of Public Act 87 of 2021¹⁶

Sec. 222. (1) Any department, agency, board, commission, or public officer that receives funding under part 1 shall not:

(a) Require as a condition of accessing any facility or receiving services that an individual provide proof that he or she has received a COVID-19 vaccine except as provided by federal law or as a condition of receiving federal Medicare or Medicaid funding.

(b) Produce, develop, issue, or require a COVID-19 vaccine passport.

(c) Develop a database or make any existing database publicly available to access an individual's COVID-19 vaccine status by any person, company, or governmental entity.

(d) Require as a condition of employment that an employee or official provide proof that he or she has received a COVID-19 vaccine. This subdivision does not apply to any hospital, congregate care facility, or other medical facility or any hospital, congregate care facility, or other medical facility operated by a local subdivision that receives federal Medicare or Medicaid funding.

(2) A department, agency, board, commission, or public officer may not subject any individual to any negative employment consequence, retaliation, or retribution because of that individual's COVID-19 vaccine status.

(3) Subsection (1) does not prohibit any person, department, agency, board, commission, or public officer from transmitting proof of an individual's COVID-19 vaccine status to any person, company, or governmental entity, so long as the individual provides affirmative consent.

(4) If a department, agency, board, commission, subdivision, or official or public officer is required to establish a vaccine policy due to a federal mandate, it must provide exemptions to any COVID-19 vaccine policy to the following individuals:

(a) An individual for whom a physician certifies that a COVID-19 vaccine is or may be detrimental to the individual's health or is not appropriate.

(b) An individual who provides a written statement to the effect that the requirements of the COVID-19 vaccine policy cannot be met because of religious convictions or other consistently held objection to immunization.

(5) As used in this section, "public officer" means a person appointed by the governor or another executive department official or an elected or appointed official of this state or a political subdivision of this state.

¹⁶ 2021 PA 87, Article 11, Part 2, § 222 <<http://www.legislature.mi.gov/documents/2021-2022/publicact/pdf/2021-PA-0087.pdf>> (accessed October 12, 2021).

EXHIBIT M

Text of Section 222 of Part 2 of Article 12 of Public Act 87 of 2021¹⁷

Sec. 222. (1) Any department, agency, board, commission, or public officer that receives funding under part 1 shall not:

(a) Require as a condition of accessing any facility or receiving services that an individual provide proof that he or she has received a COVID-19 vaccine except as provided by federal law or as a condition of receiving federal Medicare or Medicaid funding.

(b) Produce, develop, issue, or require a COVID-19 vaccine passport.

(c) Develop a database or make any existing database publicly available to access an individual's COVID-19 vaccine status by any person, company, or governmental entity.

(d) Require as a condition of employment that an employee or official provide proof that he or she has received a COVID-19 vaccine. This subdivision does not apply to any hospital, congregate care facility, or other medical facility or any hospital, congregate care facility, or other medical facility operated by a local subdivision that receives federal Medicare or Medicaid funding.

(2) A department, agency, board, commission, or public officer may not subject any individual to any negative employment consequence, retaliation, or retribution because of that individual's COVID-19 vaccine status.

(3) Subsection (1) does not prohibit any person, department, agency, board, commission, or public officer from transmitting proof of an individual's COVID-19 vaccine status to any person, company, or governmental entity, so long as the individual provides affirmative consent.

(4) If a department, agency, board, commission, subdivision, or official or public officer is required to establish a vaccine policy due to a federal mandate, it must provide exemptions to any COVID-19 vaccine policy to the following individuals:

(a) An individual for whom a physician certifies that a COVID-19 vaccine is or may be detrimental to the individual's health or is not appropriate.

(b) An individual who provides a written statement to the effect that the requirements of the COVID-19 vaccine policy cannot be met because of religious convictions or other consistently held objection to immunization.

(5) As used in this section, "public officer" means a person appointed by the governor or another executive department official or an elected or appointed official of this state or a political subdivision of this state.

¹⁷ 2021 PA 87, Article 12, Part 2, § 222 <<http://www.legislature.mi.gov/documents/2021-2022/publicact/pdf/2021-PA-0087.pdf>> (accessed October 12, 2021).

EXHIBIT N

Text of Section 222 of Part 2 of Article 13 of Public Act 87 of 2021¹⁸

Sec. 222. (1) Any department, agency, board, commission, or public officer that receives funding under part 1 shall not:

(a) Require as a condition of accessing any facility or receiving services that an individual provide proof that he or she has received a COVID-19 vaccine except as provided by federal law or as a condition of receiving federal Medicare or Medicaid funding.

(b) Produce, develop, issue, or require a COVID-19 vaccine passport.

(c) Develop a database or make any existing database publicly available to access an individual's COVID-19 vaccine status by any person, company, or governmental entity.

(d) Require as a condition of employment that an employee or official provide proof that he or she has received a COVID-19 vaccine. This subdivision does not apply to any hospital, congregate care facility, or other medical facility or any hospital, congregate care facility, or other medical facility operated by a local subdivision that receives federal Medicare or Medicaid funding.

(2) A department, agency, board, commission, or public officer may not subject any individual to any negative employment consequence, retaliation, or retribution because of that individual's COVID-19 vaccine status.

(3) Subsection (1) does not prohibit any person, department, agency, board, commission, or public officer from transmitting proof of an individual's COVID-19 vaccine status to any person, company, or governmental entity, so long as the individual provides affirmative consent.

(4) If a department, agency, board, commission, subdivision, or official or public officer is required to establish a vaccine policy due to a federal mandate, it must provide exemptions to any COVID-19 vaccine policy to the following individuals:

(a) An individual for whom a physician certifies that a COVID-19 vaccine is or may be detrimental to the individual's health or is not appropriate.

(b) An individual who provides a written statement to the effect that the requirements of the COVID-19 vaccine policy cannot be met because of religious convictions or other consistently held objection to immunization.

(5) As used in this section, "public officer" means a person appointed by the governor or another executive department official or an elected or appointed official of this state or a political subdivision of this state.

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¹⁸ 2021 PA 87, Article 13, Part 2, § 222 <<http://www.legislature.mi.gov/documents/2021-2022/publicact/pdf/2021-PA-0087.pdf>> (accessed October 12, 2021).