

**STATE OF MICHIGAN  
DEPARTMENT OF INSURANCE AND FINANCIAL SERVICES**

**Bulletin 2020-41-INS/BT/CF/CU**

In the matter of:

**Compliance with *House of Representatives*,  
MDHHS Emergency Order,  
MIOSHA Emergency Rules, and  
Legislation Relating to COVID-19**

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**Issued and entered  
this 19<sup>th</sup> day of October 2020  
by Anita G. Fox  
Director**

This bulletin supersedes Bulletin 2020-38-INS/BT/CF/CU, which provided that bulletins, orders, and other guidance issued by the Director of the Department of Insurance and Financial Services (DIFS) in response to the public health emergency caused by the COVID-19 pandemic remained in effect in light of the Michigan Supreme Court’s ruling in *In re Certified Questions (Midwest Inst of Health v Governor)*, Docket No. 161492, issued October 2, 2020.

On October 12, 2020, the Michigan Supreme Court issued an order in *House of Representatives v Governor*, Docket No. 161917, stating that, consistent with the ruling *In re Certified Questions* and effective immediately, the Executive Orders issued under the Emergency Powers of the Governor Act “are of no continuing legal effect.”<sup>1</sup> Accordingly, DIFS is reviewing its bulletins, orders, and other guidance relating to the public health emergency caused by the COVID-19 pandemic to determine whether modifications are necessary and appropriate at this time. Entities and individuals regulated by DIFS must remain apprised of and in compliance with DIFS’ bulletins, orders, and other guidance that impact the regulated entity or individual.

Regulated entities and individuals shall also remain apprised of and in compliance with new or amended laws intended to address the public health emergency caused by the COVID-19 pandemic that require the entity or individual to take or refrain from taking certain actions or otherwise impact the entity or individual. See, for example, HB 6030 to 6032 and HB 6101 (providing for certain protections against civil liability relating to the COVID-19 pandemic, prohibiting an employer from taking certain actions against an employee who does not report to work under certain circumstances related to COVID-19, and prohibiting an employee from reporting to work under certain circumstances related to COVID-19).

Regulated entities and individuals must comply with the Michigan Department of Health and Human Services (MDHHS) Emergency Order titled “Gathering Prohibition and Face Covering Order” dated October 9, 2020, which rescinded its October 5, 2020 Emergency Order mentioned in Bulletin 2020-38-INS/BT/CF/CU. Regulated entities and individuals must also comply with applicable provisions of the Emergency Rules filed

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<sup>1</sup> Also, on October 12, 2020, the Court issued an order in *In re Certified Questions* denying a motion to stay the precedential effect of the Court’s October 2, 2020 opinion.

by the Michigan Occupational Safety and Health Administration (MIOSHA) within the Department of Labor and Economic Opportunity on October 14, 2020, titled "Coronavirus Disease 2019 (Covid-19)," and any other applicable law, rule, or regulation related to the public health emergency caused by the COVID-19 pandemic or other emergency issued or enacted at the federal, state, or local level.

DIFS will continue to coordinate with the authorities charged with enforcing laws, rules, or regulations related to the COVID-19 pandemic and other emergencies as necessary to ensure compliance.

Any questions regarding this Bulletin should be directed to:

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/s/

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