



## LEGAL PROTECTIONS FOR PUBLIC HEALTH OFFICIALS

### Michigan Fact Sheet

## Obstructing Health Official

Nationwide, state and local public health officials working to protect the public from COVID-19 are on the receiving end of threatening and harassing conduct for simply fulfilling their duty to protect the public health. In response, the Network conducted research to examine whether the states and Washington, D.C., have criminal statutes punishing individuals who impede public health officials' duties with such behavior. Our research is presented in this [chart](#). Many states have adopted statutes to protect public officials generally; included here are those with broad enough language to include public health officials. However, we have also included the three states with laws that if broadened, would encompass public health officials, namely, Illinois, North Carolina, and Vermont. While 35 states and Washington, D.C., have such a statute, the remaining 15 states either do not have a statute protecting government officials in these circumstances or do not have one protecting public health officials. Of the 35 states and Washington, D.C., all but two, Louisiana and Oklahoma, include protections for state *and* local officials. Below is more information on Michigan's relevant law.

### Michigan Compiled Laws, § 333.1291, Obstructing or opposing department representative, health officer or other person

A person shall not willfully oppose or obstruct a department representative, health officer, or any other person charged with enforcement of a health law in the performance of that person's legal duty to enforce that law.

#### Definitions

"Department" means the department of health and human services.

#### Penalties

### Michigan Compiled Laws, § 333.1299 and §750.504

Up to 90 days imprisonment and/or up to a \$500 fine

#### Summary

A person may be guilty of a misdemeanor when he/she opposes or obstructs any person charged with the enforcement of a health law in the performance of that person's legal duty. The health law may be imposed at the state or local level and a person faces up to 90 days imprisonment and/or up to a \$500 fine.



## Template for Notifying Violators

Below is a sample template for notifying individuals regarding their conduct relative to the code.

**Michigan Compiled Laws, §333.1291** protects those responsible for enforcing health laws from facing obstruction of their duties and responsibilities. [insert here a description of the conduct with a date—for example: On August 28, 2020, you sent an email to the Michigan Secretary of Health, threatening her life if she announced a mask mandate.] *This may constitute a violation of §333.1291. If convicted, you face up to 90 days imprisonment and a fine of up to \$500.*

- If the conduct is extreme, add: *We have notified the [insert proper law enforcement agency] of this conduct.*
- If the conduct does not rise to the level of reporting, add: *Should you continue with this conduct, we may report the matter to [insert law enforcement agency].*