



SENATE BILL No. 1040

September 6, 2016, Introduced by Senator COLBECK and referred to the Committee on Education.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 5111, 9215, and 9227 (MCL 333.5111, 333.9215,
and 333.9227), section 5111 as amended by 2010 PA 119 and section
9227 as amended by 2006 PA 91, and by adding section 5115a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5111. (1) In carrying out its authority under this
2 article, the department shall maintain a list of reportable
3 diseases, infections, and disabilities that designates and
4 classifies communicable, serious communicable, chronic, or
5 noncommunicable diseases, infections, and disabilities. The
6 department shall review and revise the list under this subsection
7 at least annually.

8 (2) ~~In~~ **EXCEPT AS OTHERWISE PROVIDED IN SECTION 5115A, IN**

1 carrying out its authority under this article, the department may
2 promulgate rules to do any of the following:

3 (a) Establish requirements for reporting and other
4 surveillance methods for measuring the occurrence of diseases,
5 infections, and disabilities and the potential for epidemics. Rules
6 promulgated under this subdivision may require a licensed health
7 professional or health facility to submit to the department or a
8 local health department, on a form provided by the department, a
9 report of the occurrence of a communicable disease, serious
10 communicable disease or infection, or disability. The rules
11 promulgated under this subdivision may require a report to be
12 submitted to the department not more than 24 hours after a licensed
13 health professional or health facility determines that an
14 individual has a serious communicable disease or infection.

15 (b) Investigate cases, epidemics, and unusual occurrences of
16 diseases, infections, and situations with a potential for causing
17 diseases.

18 (c) Establish procedures for control of diseases and
19 infections, including, but not limited to, immunization and
20 environmental controls.

21 (d) Establish procedures for the prevention, detection, and
22 treatment of disabilities and rehabilitation of individuals
23 suffering from disabilities or disease, including nutritional
24 problems.

25 (e) Establish procedures for control of rabies and the
26 disposition of nonhuman agents carrying disease, including rabid
27 animals.

1 (f) Establish procedures for the reporting of known or
2 suspected cases of lead poisoning or undue lead body burden.

3 (g) Designate communicable diseases or serious communicable
4 diseases or infections for which local health departments are
5 required to furnish care including, but not limited to,
6 tuberculosis and venereal disease.

7 (h) Implement this part and parts 52 and 53 including, but not
8 limited to, rules for the discovery, care, and reporting of an
9 individual having or suspected of having a communicable disease or
10 a serious communicable disease or infection, and to establish
11 approved tests under section 5123 and approved prophylaxes under
12 section 5125.

13 (3) The department shall promulgate rules to provide for the
14 confidentiality of reports, records, and data pertaining to
15 testing, care, treatment, reporting, and research associated with
16 communicable diseases and serious communicable diseases or
17 infections.

18 **SEC. 5115A. (1) R 325.175 OF THE MICHIGAN ADMINISTRATIVE CODE**
19 **IS RESCINDED.**

20 **(2) THE DEPARTMENT'S AUTHORITY TO PROMULGATE RULES UNDER**
21 **SECTION 5111 DOES NOT INCLUDE THE AUTHORITY TO PROMULGATE OR**
22 **ENFORCE A RULE ALLOWING A LOCAL HEALTH OFFICER WHO CONFIRMS OR**
23 **REASONABLY SUSPECTS THAT AN INDIVIDUAL ATTENDING A SCHOOL OR GROUP**
24 **PROGRAM HAS A COMMUNICABLE DISEASE TO, AS A DISEASE CONTROL MEASURE**
25 **THAT IS NOT IN THE CASE OF AN EPIDEMIC, EXCLUDE FROM ATTENDANCE AN**
26 **INDIVIDUAL WHO LACKS DOCUMENTATION OF IMMUNITY OR IS OTHERWISE**
27 **CONSIDERED SUSCEPTIBLE TO THE COMMUNICABLE DISEASE. AS USED IN THIS**

1 **SUBSECTION, "GROUP PROGRAM" MEANS THAT TERM AS DESCRIBED IN SECTION**
2 **9211.**

3 Sec. 9215. (1) A child is exempt from the requirements of this
4 part as to a specific immunization for any period of time as to
5 which a physician certifies that a specific immunization is or may
6 be detrimental to the child's health or is not appropriate.

7 (2) A child is exempt from this part if a parent, guardian, or
8 person in loco parentis of the child presents a written statement
9 to the administrator of the child's school or operator of the group
10 program to the effect that the requirements of this part cannot be
11 met because of religious convictions or other objection to
12 immunization.

13 **(3) THE DEPARTMENT'S AUTHORITY TO PROMULGATE RULES UNDER**
14 **SECTION 9227 DOES NOT INCLUDE THE AUTHORITY TO PROMULGATE OR**
15 **ENFORCE A RULE THAT IMPOSES A DIFFERENT OR ADDITIONAL REQUIREMENT**
16 **FOR A CHILD TO BE EXEMPT FROM THIS PART THAN THOSE DESCRIBED IN**
17 **THIS SECTION OR THAT REQUIRES THE EXEMPTIONS DESCRIBED IN THIS**
18 **SECTION TO BE ON A FORM PRESCRIBED BY THE DEPARTMENT.**

19 **(4) IF THE DEPARTMENT PROVIDES INFORMATION TO THE PUBLIC ON**
20 **THE EXEMPTIONS DESCRIBED IN THIS SECTION, THEN WITH THAT**
21 **INFORMATION THE DEPARTMENT SHALL INCLUDE INFORMATION ABOUT THE**
22 **EFFECTIVENESS AND POTENTIAL RISKS OF IMMUNIZATION FOR DISEASES**
23 **ABOUT WHICH THE DEPARTMENT REQUIRES IMMUNIZATION UNDER SECTION**
24 **9227.**

25 Sec. 9227. (1) ~~The~~ **EXCEPT AS OTHERWISE PROVIDED IN SECTION**
26 **9215, THE** department shall promulgate rules to implement this part,
27 including, but not limited to, rules governing all of the

1 following:

2 (a) Age periods for immunizations.

3 (b) The minimum ages at which immunization may be commenced.

4 (c) The minimum number of doses required during a specified
5 time period.

6 (d) Minimum levels of immunization for children in school.

7 (e) Reporting under section 9206(3).

8 (f) The acquisition, maintenance, and dissemination of
9 information contained in the registry established under section
10 9207.

11 (2) The department shall promulgate rules to implement the
12 expansion of the registry to include the reporting and recording of
13 additional information such as lead screening performed on
14 children.

15 Enacting section 1. This amendatory act takes effect 90 days
16 after the date it is enacted into law.

17 Enacting section 2. This amendatory act does not take effect
18 unless Senate Bill No. 1039

19 of the 98th Legislature is enacted into law.