

Legislative Analysis



VACCINES: PROHIBIT NEW REQUIREMENTS

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 5162 as introduced
Sponsor: Rep. Steven Johnson

Analysis available at
<http://www.legislature.mi.gov>

House Bill 5163 as introduced
Sponsor: Rep. John Reilly

Committee: Oversight
Complete to 11-28-17

BRIEF SUMMARY:

House Bill 5162 would prohibit the Michigan Department of Health and Human Services from promulgating new rules pertaining to immunizations, including the ages and doses at which an immunization must be administered, or from requiring any new immunization. Current department rules regarding immunizations would remain in effect until such time as a rule is changed or rescinded by law.

House Bill 5163 would require rules promulgated under the Revised School Code to conform to the limitations on rule promulgation proposed by House Bill 5162.

House Bills 5162 and 5163 are tie-barred together, meaning that neither could take effect unless the other were also enacted. The bills would take effect 90 days after enactment.

DETAILED SUMMARY:

Currently, Section 5111 of the Public Health Code allows the Michigan Department of Health and Human Services (MDHHS) to establish procedures for controlling diseases and infections, including immunizations. Section 9227 of the Code requires the department to develop rules that govern, among other things, the following:

- The age periods for immunizations.
- The minimum ages at which immunizations could be started.
- The minimum number of doses required during a specified time period.

House Bill 5162 would add language to Section 9227 of the Code to prohibit the MDHHS from developing a rule on any of the 3 topics listed above *or* a rule that requires an individual to receive an immunizing agent that is not currently required. This prohibition would begin on the bill's effective date. A rule in effect on the bill's effective date that deals with any of the 3 topics listed above, or that requires an individual to receive an immunizing agent, would remain in effect until a change to or rescission of that rule is enacted into law. The bill would also amend Section 5111 of the Code to specify that the authority of the MDHHS to establish procedures for controlling diseases and infections

under that section is also subject to, and thus governed by, the provisions added to Section 9227.

House Bill 5163 would amend Section 1177 of the Revised School Code. Currently, the Revised School Code requires the MDHHS to promulgate rules to implement statutory requirements pertaining to the school vaccination and waiver requirements, including rules identifying the vaccines required for school entry in Michigan. Under the bill, this rule promulgation authority would also be subject to the limitations imposed on the MDHHS by House Bill 5162.

MCL 333.5111 and 333.9227 (HB 5162)

MCL 380.1177 (HB 5163)

FISCAL IMPACT:

House Bill 5162 would have no direct fiscal impact on the Department of Health and Human Services or local public health departments.

House Bill 5163 would have no fiscal impact on the Department of Education or for local school districts, intermediate school districts, or public school academies.

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