

HOUSE BILL No. 5162

October 24, 2017, Introduced by Reps. Johnson, Barrett, Noble, Reilly, Glenn, Inman, Miller, Hernandez and Runestad and referred to the Committee on Oversight.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 5111 and 9227 (MCL 333.5111 and 333.9227),
section 5111 as amended by 2016 PA 64 and section 9227 as amended
by 2006 PA 91.

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

1 at least annually.

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

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

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

19 (c) ~~Establish~~ **SUBJECT TO SECTION 9227(3), ESTABLISH** procedures
20 for controlling diseases and infections, including, but not limited
21 to, immunization and environmental controls.

22 (d) Establish procedures for preventing, detecting, and
23 treating disabilities and rehabilitating individuals suffering from
24 disabilities or disease, including nutritional problems.

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

1 (f) Establish procedures for reporting known or suspected
2 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 sexually transmitted infection.

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

13 (3) The department shall promulgate rules providing 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. 9227. (1) ~~The~~ **EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION**
19 **(3), THE** department shall promulgate rules to implement this part,
20 including, but not limited to, rules governing all of the
21 following:

22 (a) Age periods for immunizations.

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

24 (c) The minimum number of doses required during a specified
25 time period.

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

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

1 (f) The acquisition, maintenance, and dissemination of
2 information contained in the registry established under section
3 9207.

4 (2) The department shall promulgate rules to implement the
5 expansion of the registry to include the reporting and recording of
6 additional information such as lead screening performed on
7 children.

8 **(3) NOTWITHSTANDING ANY OTHER PROVISION OF THIS CODE TO THE**
9 **CONTRARY, BEGINNING ON THE EFFECTIVE DATE OF THE AMENDATORY ACT**
10 **THAT ADDED THIS SUBSECTION, THE DEPARTMENT SHALL NOT PROMULGATE A**
11 **RULE ON ANY OF THE TOPICS DESCRIBED IN SUBSECTION (1) (A) TO (C) OR**
12 **REQUIRING AN INDIVIDUAL TO RECEIVE AN IMMUNIZING AGENT THAT IS NOT**
13 **REQUIRED BY THE DEPARTMENT ON THE EFFECTIVE DATE OF THE AMENDATORY**
14 **ACT THAT ADDED THIS SUBSECTION. HOWEVER, A RULE PROMULGATED UNDER**
15 **THIS CODE ON ANY OF THE TOPICS DESCRIBED IN THIS SUBSECTION THAT IS**
16 **IN EFFECT ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED**
17 **THIS SUBSECTION REMAINS IN EFFECT UNTIL A CHANGE TO OR RESCISSION**
18 **OF THAT RULE IS ENACTED INTO LAW.**

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

21 Enacting section 2. This amendatory act does not take effect
22 unless Senate Bill No. ____ or House Bill No. 5163 (request no.
23 03425'17 a) of the 99th Legislature is enacted into law.