

**PUBLIC HEALTH CODE (EXCERPT)**

**Act 368 of 1978**

**ARTICLE 1**

**PRELIMINARY PROVISIONS**

**PART 11**

**SHORT TITLE, GENERAL DEFINITIONS, AND CONSTRUCTION**

**333.1101 Short title.**

Sec. 1101. This act shall be known and may be cited as the "public health code".

**History:** 1978, Act 368, Eff. Sept. 30, 1978.

**Compiler's note:** For transfer of powers and duties of licensing of substance abuse programs and certification of substance abuse workers in the division of program standards, evaluation, and data services of the center for substance abuse services, from the department of public health to the director of the department of commerce, see E.R.O. No. 1996-1, compiled at MCL 330.3101 of the Michigan Compiled Laws.

**Popular name:** Act 368

**333.1103 Meanings of words and phrases.**

Sec. 1103. For purposes of this code, the words and phrases defined in sections 1104 to 1108 have the meanings ascribed to them in those sections. These definitions, unless the context requires otherwise, apply to use of the defined terms in this code. Other definitions applicable to specific articles, parts, or sections of the code are found in those articles, parts, or sections.

**History:** 1978, Act 368, Eff. Sept. 30, 1978.

**Popular name:** Act 368

**333.1104 Definitions; A to G.**

Sec. 1104. (1) "Acknowledgment of parentage" means an acknowledgment executed as provided in the acknowledgment of parentage act, 1996 PA 305, MCL 722.1001 to 722.1013.

(2) "Administrative procedures act of 1969" means the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, or a successor act.

(3) "Adult" means an individual 18 years of age or older.

(4) "Code" means this act.

(5) "Department", except as provided in articles 8, 15, and 17, means the department of health and human services.

(6) "Director", except as provided in articles 8, 15, and 17, means the director of health and human services.

(7) "Governmental entity" means a government, governmental subdivision or agency, or public corporation.

**History:** 1978, Act 368, Eff. Sept. 30, 1978;—Am. 1996, Act 307, Eff. June 1, 1997;—Am. 2013, Act 268, Imd. Eff. Dec. 30, 2013;—Am. 2015, Act 155, Eff. Jan. 18, 2016.

**Popular name:** Act 368

**333.1105 Definitions; I to M.**

Sec. 1105. (1) "Individual" means a natural person.

(2) "Local health department" means:

(a) A county health department of a single county provided pursuant to section 2413 and its board of health, if any.

(b) A district health department created pursuant to section 2415 and its board of health.

(c) A city health department created pursuant to section 2421 and its board of health, if any.

(d) Any other local agency approved by the department under part 24.

(3) "Local health officer" means the individual in charge of a local health department or his or her authorized representative.

(4) "Magistrate" means a judge authorized to issue warrants by the laws of this state.

(5) "Minor" means an individual under 18 years of age.

**History:** 1978, Act 368, Eff. Sept. 30, 1978.

**Popular name:** Act 368

**333.1106 Definitions.**

Sec. 1106. (1) "Opioid antagonist" means naloxone hydrochloride or any other similarly acting and equally safe drug approved by the federal food and drug administration for the treatment of drug overdose.

(2) "Opioid-related overdose" means a condition, including, but not limited to, extreme physical illness, decreased level of consciousness, respiratory depression, coma, or death, that results from the consumption or use of an opioid or another substance with which an opioid was combined or that a layperson would reasonably believe to be an opioid-related overdose that requires medical assistance.

(3) "Parentage registry" means the department's compilation of data concerning children's parentage, which data the department receives from any source, including, but not limited to, a copy of an order of filiation from the circuit court or an acknowledgment of paternity or parentage under this act, under section 2114 of the estates and protected individuals code, 1998 PA 386, MCL 700.2114, or under the acknowledgment of parentage act, 1996 PA 305, MCL 722.1001 to 722.1013.

(4) "Person" means an individual, partnership, cooperative, association, private corporation, personal representative, receiver, trustee, assignee, or other legal entity. Person does not include a governmental entity unless specifically provided.

**History:** 1978, Act 368, Eff. Sept. 30, 1978;—Am. 1996, Act 307, Imd. Eff. June 20, 1996;—Am. 2000, Act 58, Eff. Apr. 1, 2000;—Am. 2014, Act 311, Imd. Eff. Oct. 14, 2014.

**Popular name:** Act 368

### **333.1108 Definitions; R, S.**

Sec. 1108. (1) "Rule" means a rule promulgated pursuant to the administrative procedures act of 1969.

(2) "State" means a state, district, territory, commonwealth, or insular possession of the United States or any area subject to the lawful authority of the United States.

**History:** 1978, Act 368, Eff. Sept. 30, 1978.

**Popular name:** Act 368

### **333.1111 Intent and construction of code.**

Sec. 1111. (1) This code is intended to be consistent with applicable federal and state law and shall be construed, when necessary, to achieve that consistency.

(2) This code shall be liberally construed for the protection of the health, safety, and welfare of the people of this state.

**History:** 1978, Act 368, Eff. Sept. 30, 1978.

**Popular name:** Act 368

### **333.1113 Headings or titles of code.**

Sec. 1113. A heading or title of an article or part of this code shall not be considered as a part of this code or be used to construe the code more broadly or narrowly than the text of the code sections would indicate, but shall be considered as inserted for convenience to users of this code.

**History:** 1978, Act 368, Eff. Sept. 30, 1978.

**Popular name:** Act 368

### **333.1114 Prohibited construction of code.**

Sec. 1114. (1) This code shall not be construed to vest authority in the department for programs or activities otherwise delegated by state or federal law or rules to another department of state government.

(2) This code shall not be construed to divest or reduce authority or responsibility for mental health services or responsibilities vested in state or local mental health agencies by Act No. 258 of the Public Acts of 1974, as amended, being sections 330.1001 to 330.2106 of the Michigan Compiled Laws, or rules promulgated pursuant to that act.

**History:** 1978, Act 368, Eff. Sept. 30, 1978.

**Popular name:** Act 368

### **333.1115 Controlling provisions.**

Sec. 1115. A state statute, a rule of the department, or an applicable local health department regulation shall control over a less stringent or inconsistent provision enacted by a local governmental entity for the protection of public health.

**History:** 1978, Act 368, Eff. Sept. 30, 1978.

**Popular name:** Act 368

### **333.1117 References to repealed or rescinded provisions.**

Sec. 1117. If a provision of a statute referred to in this code or in a rule authorized or recognized by this code is repealed, or if a provision of a rule authorized or recognized by this code is rescinded, and the provision is substantially reenacted or repromulgated, a reference in this code or the rule to the repealed or rescinded provision is considered a reference to the reenacted or repromulgated provision.

**History:** 1978, Act 368, Eff. Sept. 30, 1978.

**Popular name:** Act 368

## PART 12 GENERAL PROVISIONS

### **333.1201 Delaying promulgation of new rules.**

Sec. 1201. When the department is directed to promulgate rules by this code and rules exist on the date the requirement to promulgate takes effect, which rules the department believes adequately cover the matter, the department may delay the promulgation of new rules until the department considers it advisable.

**History:** 1978, Act 368, Eff. Sept. 30, 1978.

**Popular name:** Act 368

### **333.1203 Approval of certain plans or issuance of certain permits pursuant to code; effect.**

Sec. 1203. The approval of plans or the issuance of a permit pursuant to this code which involves the construction, alteration, or renovation of a building, structure, or premises, the use of a site, or the installation or alteration of equipment does not relieve the person receiving the approval or permit from complying with all consistent applicable provisions of building and construction laws, zoning requirements, and other state and local statutes, charters, ordinances, rules, regulations, and orders.

**History:** 1978, Act 368, Eff. Sept. 30, 1978.

**Popular name:** Act 368

### **333.1205 Contested case hearing; appeal.**

Sec. 1205. (1) An applicant, licensee, or other person whose legal rights, duties, or privileges are required by this code to be determined by the department, after an opportunity for a hearing, has the right to a contested case hearing in the matter, which shall be conducted pursuant to the administrative procedures act of 1969 and authorized rules governing the hearing.

(2) The decision, finding, or order of the department entered after the hearing may be appealed as provided by the administrative procedures act of 1969, except where otherwise provided by this code.

**History:** 1978, Act 368, Eff. Sept. 30, 1978.

**Popular name:** Act 368

### **333.1211 Expired. 1978, Act 368, Eff. Sept. 30, 1981.**

**Compiler's note:** The expired section pertained to transfer of property, personnel, and funds to successor agency.

**Popular name:** Act 368

### **333.1212 Members of predecessor agency; continuation in office.**

Sec. 1212. When a board, committee, council, or other agency created by or pursuant to this code was preceded by an agency with the same or similar name and functions, members of the predecessor agency shall continue in office for the duration of the terms of office for which they were appointed and with the new members appointed shall constitute the new agency. Members shall be appointed under this code only as terms of the former members expire or vacancies occur. Members of the predecessor agency may be appointed to the new agency to succeed themselves subject to the limits for the total period of service set forth in this code.

**History:** 1978, Act 368, Eff. Sept. 30, 1978.

**Popular name:** Act 368

### **333.1213 Members of successor agency; increase or decrease in number.**

Sec. 1213. (1) When the number of members of a successor agency is increased by this code, additional members shall be appointed to meet the number required for initial terms that will conform to the expiration of terms prescribed by this code. If the code would permit a choice between longer and shorter terms, appointments shall be made for the longer terms.

(2) When the number of members of a successor agency is decreased by this code, appointments shall not be made until the number of members in office falls below the total membership prescribed for the successor

agency.

**History:** 1978, Act 368, Eff. Sept. 30, 1978.

**Popular name:** Act 368

### **333.1214 New agency not succeeding former agency; terms of office.**

Sec. 1214. When a new agency created by this code is not a successor to a former agency and the regular terms of office of its members are 4 years, the highest whole number of its initial members resulting from a division of the total number of members by 4 shall be appointed for terms of 1, 2, 3, and 4 years. The terms of office of an excess number of members resulting from a calculation of fourths shall be for, and spread equally over, the longer terms.

**History:** 1978, Act 368, Eff. Sept. 30, 1978.

**Popular name:** Act 368

### **333.1216 Travel or other expenses; payment.**

Sec. 1216. Travel or other expenses, or both, incurred by a public officer, agent, or employee in the performance of official functions authorized by this code which are payable out of appropriations shall be paid pursuant to the latest standardized travel regulations of the department of management and budget.

**History:** 1978, Act 368, Eff. Sept. 30, 1978.

**Popular name:** Act 368

### **333.1221 Expired. 1978, Act 368, Eff. Sept. 30, 1983.**

**Compiler's note:** The expired section pertained to the extension of outstanding license, registration, certificate, or permit beyond stated expiration date.

**Popular name:** Act 368

### **333.1222 Renewals; distribution of work; pro rata fee; waiver.**

Sec. 1222. (1) In order to distribute the work of renewals in the interests of administrative efficiency, the appropriate state agency may:

(a) Schedule expirations established under section 16194 or otherwise under law to spread them over each year of a biennium or longer term.

(b) Issue initial licenses in the interim during a normal term to expire on the next normal expiration date or the first normal expiration date thereafter, and prorate the fees therefor.

(2) The issuing agency shall collect, before a renewal is issued under section 1221 or this section, a pro rata fee for the period of the extension granted under section 1221 or this section. However, to save administrative costs, the agency may waive this fee for an extension of not more than 2 months.

**History:** 1978, Act 368, Eff. Sept. 30, 1978.

**Popular name:** Act 368

### **333.1291 Obstruction of person enforcing health law.**

Sec. 1291. A person shall not wilfully 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.

**History:** 1978, Act 368, Eff. Sept. 30, 1978.

**Popular name:** Act 368

### **333.1299 Violation as misdemeanor; prosecution.**

Sec. 1299. (1) A person who violates a provision of this code for which a penalty is not otherwise provided is guilty of a misdemeanor.

(2) A prosecuting attorney having jurisdiction and the attorney general knowing of a violation of this code, a rule promulgated under this code, or a local health department regulation the violation of which is punishable by a criminal penalty may prosecute the violator.

**History:** 1978, Act 368, Eff. Sept. 30, 1978.

**Popular name:** Act 368