

SENATE BILL No. 1208

March 19, 2002, Introduced by Senator STILLE and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 9203 and 9206 (MCL 333.9203 and 333.9206),
section 9206 as amended by 1996 PA 540.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 9203. (1) ~~A~~ SUBJECT TO SUBSECTION (2), IF THE DIREC-
2 TOR ISSUES AN ORDER DECLARING AN EPIDEMIC OR A THREATENED EPI-
3 DEMIC OF A DISEASE, A local health department shall offer free
4 immunization treatments to the public for protection. ~~in case of~~
5 ~~an epidemic or threatened epidemic of a disease as ordered by the~~
6 ~~director.~~

7 (2) A local health department shall conduct free periodic
8 immunization clinics for children residing in its jurisdiction.
9 The local health department shall publicize the free immunization
10 service and the time and place of the clinics. BEFORE IMMUNIZING

1 A CHILD UNDER THIS SUBSECTION OR SUBSECTION (1), A LOCAL HEALTH
2 DEPARTMENT SHALL INFORM THE CHILD'S PARENT, GUARDIAN, OR PERSON
3 IN LOCO PARENTIS IN WRITING OF THE CHEMICAL CONTENTS OF THE IMMU-
4 NIZING AGENT USED FOR THE IMMUNIZATION. AFTER RECEIVING THE
5 WRITTEN LIST OF CHEMICAL CONTENTS REQUIRED UNDER THIS SUBSECTION,
6 THE PARENT, GUARDIAN, OR PERSON IN LOCO PARENTIS SHALL SIGN A
7 STATEMENT PROVIDED BY THE LOCAL HEALTH DEPARTMENT CONFIRMING THE
8 RECEIPT. THE LOCAL HEALTH DEPARTMENT SHALL MAKE THE SIGNED
9 STATEMENT PART OF THE RECORD OF THE IMMUNIZATION.

10 (3) ~~When~~ IF the department approves a mass immunization
11 program to be administered in this state, A health ~~personnel~~
12 PROFESSIONAL employed by a governmental entity who ~~are~~ IS
13 required to participate in the MASS IMMUNIZATION program, or any
14 other individual authorized by the director or a local health
15 officer to participate in the MASS IMMUNIZATION program without
16 compensation, is not liable to any person for civil damages as a
17 result of an act or omission causing illness, reaction, or
18 adverse effect from the use of a drug or vaccine in the MASS
19 IMMUNIZATION program, except for AN ACT OR OMISSION CONSTITUTING
20 gross negligence or ~~willful~~ WILLFUL and wanton misconduct. This
21 subsection does not exempt a drug manufacturer from liability for
22 a drug or vaccine used in the MASS IMMUNIZATION program.

23 Sec. 9206. (1) ~~The~~ BEFORE ADMINISTERING AN IMMUNIZING
24 AGENT TO A CHILD, THE ADMINISTERING HEALTH CARE PROVIDER SHALL
25 INFORM THE CHILD'S PARENT, GUARDIAN, OR PERSON IN LOCO PARENTIS
26 IN WRITING OF THE CHEMICAL CONTENTS OF THE IMMUNIZING AGENT.
27 AFTER RECEIVING THE WRITTEN LIST OF THE CHEMICAL CONTENTS OF THE

1 IMMUNIZING AGENT, THE PARENT, GUARDIAN, OR PERSON IN LOCO
2 PARENTIS SHALL SIGN A STATEMENT PROVIDED BY THE HEALTH CARE PRO-
3 VIDER CONFIRMING THE RECEIPT. THE HEALTH CARE PROVIDER SHALL
4 MAKE THE SIGNED STATEMENT PART OF THE CHILD'S MEDICAL RECORD.
5 AFTER A health care provider ~~administering~~ ADMINISTERS an immu-
6 nizing agent to a child, THE HEALTH CARE PROVIDER shall present
7 the PARENT, GUARDIAN, PERSON IN LOCO PARENTIS, OR OTHER person
8 accompanying the child with a written certificate of immuniza-
9 tion, or make an entry of the immunization on a certificate OF
10 IMMUNIZATION in the person's possession. The certificate OF
11 IMMUNIZATION shall be in a form prescribed by the department and
12 shall indicate the diseases or infections for which the child has
13 been immunized, the number of doses given, the dates when admin-
14 istered, and whether further immunizations are indicated.

15 (2) Before administering an immunizing agent to a child, a
16 health care provider shall notify the parent, guardian, or person
17 in loco parentis of the child, on a form provided by the depart-
18 ment, of the right to object to the reporting requirement of
19 subsection (3).

20 (3) Unless the parent, guardian, or person in loco parentis
21 of the child who received the immunizing agent objects by written
22 notice received by the health care provider ~~prior to~~ BEFORE
23 reporting, a health care provider shall report to the department
24 each immunization administered by the health care provider, pur-
25 suant to rules promulgated under section 9227. If the parent,
26 guardian, or person in loco parentis of the child who was
27 immunized objects to the reporting requirement of this subsection

1 by written notice received by the health care provider ~~prior to~~
2 BEFORE notification, the health care provider shall not report
3 the immunization.

4 (4) A health care provider who complies or fails to comply
5 in good faith with subsection (3) is not liable in a civil action
6 for damages as a result of an act or omission during the compli-
7 ance, except an act or omission constituting gross negligence or
8 willful and wanton misconduct.

9 (5) As used in this section, "health care provider" means a
10 health professional ~~—~~ LICENSED OR REGISTERED UNDER ARTICLE 15;
11 A health facility ~~—~~ OR AGENCY LICENSED UNDER ARTICLE 17; or A
12 local health department.