

SUBSTITUTE FOR

SENATE BILL NO. 1416

(As amended, September 20, 2006)

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 9206, 9208, and 9227 (MCL 333.9206, 333.9208,
and 333.9227), section 9206 as amended by 1996 PA 540, section 9208
as amended by 2000 PA 90, and section 9227 as amended by 2006 PA
91, and by adding section 9205b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 SEC. 9205B. (1) THE <<CHILDHOOD IMMUNIZATION>> ADVISORY COMMITTEE
IS
2 CREATED WITHIN THE DEPARTMENT OF COMMUNITY HEALTH. THE COMMITTEE
3 SHALL CONSIST OF THE FOLLOWING MEMBERS:
4 (A) TWO INDIVIDUALS APPOINTED BY THE SENATE MAJORITY LEADER.
5 (B) TWO INDIVIDUALS APPOINTED BY THE SPEAKER OF THE HOUSE OF
6 REPRESENTATIVES.
7 (C) THREE INDIVIDUALS APPOINTED BY THE GOVERNOR.

1 (2) THE <<CHILDHOOD IMMUNIZATION ADVISORY COMMITTEE SHALL MEET AS
IT DETERMINES NECESSARY TO CARRY OUT ITS DUTIES PRESCRIBED UNDER THIS
SECTION. THE CHILDHOOD IMMUNIZATION>> ADVISORY COMMITTEE SHALL DO THE
2 FOLLOWING:

3 (A) ASSIST THE DEPARTMENT IN IDENTIFYING MATERIALS THAT
4 CONTAIN INFORMATION REGARDING THE RISKS ASSOCIATED WITH THE HUMAN
5 PAPILOMAVIRUS AND CERVICAL CANCER <<AND ANY OTHER DISEASES FOR WHICH THE
DEPARTMENT MAY RECOMMEND IMMUNIZATION OR IMMUNIZATION INFORMATION>> AND
THE AVAILABILITY,
6 EFFECTIVENESS, AND POTENTIAL RISKS OF THE HUMAN PAPILOMAVIRUS
7 VACCINE <<AND THE VACCINATIONS TO PROTECT AGAINST THOSE DISEASES>>.

8 (B) APPROVE THE PROPOSED MATERIALS <<OR RECOMMENDATIONS>>
IDENTIFIED BY THE
9 DEPARTMENT UNDER SUBDIVISION (A).

10 (C) OVERSEE THE MARKETING AND DISSEMINATION OF THE INFORMATION
11 APPROVED UNDER SUBDIVISION (B).

<<(D) REVIEW AND APPROVE RECOMMENDATIONS MADE BY THE DEPARTMENT TO
REVISE THE LIST OF CHILDHOOD IMMUNIZATIONS TO BE ADMINISTERED TO INCLUDE
ADDITIONAL VACCINATIONS THAT HAVE BEEN APPROVED BY THE FEDERAL FOOD AND
DRUG ADMINISTRATION.>>

12 (3) ONCE THE INFORMATIONAL MATERIALS <<HAVE BEEN IDENTIFIED AND
13 APPROVED OR THE RECOMMENDATIONS FOR ADDITIONAL CHILDHOOD VACCINATIONS
14 HAVE BEEN APPROVED, THE CHILDHOOD IMMUNIZATION >> ADVISORY COMMITTEE
SHALL FORWARD A COPY OF THOSE
15 MATERIALS <<OR RECOMMENDATIONS>> TO THE STANDING COMMITTEES IN THE SENATE
AND HOUSE OF
16 REPRESENTATIVES THAT CONSIDER ISSUES PERTAINING TO PUBLIC HEALTH
17 FOR APPROVAL. WITHIN 45 DAYS AFTER THE PROPOSED MATERIALS <<OR
RECOMMENDATIONS>> ARE
18 FORWARDED AND RECEIVED, THE LEGISLATURE SHALL APPROVE OR REJECT
19 THOSE RECOMMENDATIONS BY CONCURRENT RESOLUTION ADOPTED BY BOTH
20 STANDING COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES THAT
21 CONSIDER ISSUES PERTAINING TO PUBLIC HEALTH AND ADOPTED BY BOTH
22 HOUSES OF THE LEGISLATURE BY RECORDED VOTE. IF THE PROPOSED
23 MATERIALS <<OR RECOMMENDATIONS>> ARE NOT SUBMITTED ON A LEGISLATIVE
SESSION DAY, THE 45

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24 DAYS COMMENCE ON THE FIRST LEGISLATIVE SESSION DAY AFTER THE
25 RECOMMENDATIONS ARE SUBMITTED. THE 45 DAYS SHALL INCLUDE NO FEWER
26 THAN 9 LEGISLATIVE SESSION DAYS. LEGISLATIVE DISAPPROVAL SHALL BE
27 EXPRESSED BY CONCURRENT RESOLUTION WHICH SHALL BE ADOPTED BY EACH

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1 HOUSE OF THE LEGISLATURE. THE CONCURRENT RESOLUTION SHALL STATE
 2 SPECIFIC OBJECTIONS TO THE PROPOSED MATERIALS<< OR RECOMMENDATIONS>>. IF
 THE
 3 RECOMMENDATIONS ARE NOT REJECTED WITH THE 45-DAY PERIOD, THE
 4 RECOMMENDATIONS ARE APPROVED AND THE DEPARTMENT SHALL PROMPTLY
 5 DISSEMINATE AND MAKE THOSE MATERIALS AVAILABLE AS REQUIRED UNDER
 6 SUBSECTION (4). AS USED IN THIS SUBSECTION, "LEGISLATIVE SESSION
 7 DAY" MEANS EACH DAY IN WHICH A QUORUM OF EITHER THE HOUSE OF
 8 REPRESENTATIVES OR THE SENATE, FOLLOWING A CALL TO ORDER,
 9 OFFICIALLY CONVENES IN LANSING TO CONDUCT LEGISLATIVE BUSINESS.

10 (4) ONCE THE INFORMATIONAL MATERIALS HAVE BEEN APPROVED IN
 11 ACCORDANCE WITH SUBSECTION (3), THE DEPARTMENT SHALL NOTIFY EACH
 12 SCHOOL IN THIS STATE OF THE AVAILABILITY OF THE MATERIALS DESCRIBED
 13 IN THIS SECTION AND SHALL MAKE THOSE MATERIALS AVAILABLE ON ITS
 14 WEBSITE.

15 <<

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17 Sec. 9206. (1) The health care provider administering an
 18 immunizing agent to a child shall present the person accompanying
 19 the child with a written certificate of immunization, or make an
 20 entry of the immunization on a certificate in the person's
 21 possession. THE HEALTH CARE PROVIDER ADMINISTERING THE HUMAN
 22 PAPILOMAVIRUS VACCINE SHALL PRESENT THE PERSON ACCOMPANYING THE
 23 CHILD WITH A WRITTEN STATEMENT OR CERTIFICATE OF THAT IMMUNIZATION
 24 OR MAKE AN ENTRY OF THAT IMMUNIZATION ON A CERTIFICATE IN THE
 25 PERSON'S POSSESSION. The STATEMENT OR certificate shall be in a
 26 form prescribed by the department and shall indicate the diseases
 27 or infections for which the child has been immunized, the number of

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1 doses given, the dates when administered, and whether further
2 immunizations are indicated.

3 (2) Before administering an immunizing agent to a child, a
4 health care provider shall ~~notify~~ **DO EACH OF THE FOLLOWING:**

5 (A) **NOTIFY** the parent, guardian, or person in loco parentis of
6 the child, on a form provided by the department, of the right to
7 object to the reporting requirement of subsection (3).

8 (B) **PROVIDE THE PARENT, GUARDIAN, OR PERSON IN LOCO PARENTIS**
9 **OF THE CHILD WITH THE MOST RECENT VACCINE INFORMATION STATEMENT <<AS IS**
10 **REQUIRED FOR ALL OTHER CHILDHOOD IMMUNIZATIONS>>.**

11 (C) **OBTAIN THE CONSENT OF THE PARENT, GUARDIAN, OR PERSON IN**
12 **LOCO PARENTIS OF THE CHILD TO ADMINISTER THE IMMUNIZING AGENT <<AS IS**
13 **REQUIRED FOR ALL OTHER CHILDHOOD IMMUNIZATIONS>>.**

14 (3) Unless the parent, guardian, or person in loco parentis of
15 the child who received the immunizing agent objects by written
16 notice received by the health care provider prior to reporting, a
17 health care provider shall report to the department each
18 immunization administered by the health care provider, pursuant to
19 rules promulgated under section 9227. If the parent, guardian, or
20 person in loco parentis of the child who was immunized objects to
21 the reporting requirement of this subsection by written notice
22 received by the health care provider prior to notification, the
23 health care provider shall not report the immunization.

24 (4) A health care provider who complies or fails to comply in
25 good faith with subsection (3) is not liable in a civil action for
26 damages as a result of an act or omission during the compliance,
27 except an act or omission constituting gross negligence or willful
and wanton misconduct.

(5) As used in this section, "health care provider" means a

1 health professional, health facility, or local health department.

2 Sec. 9208. (1) A parent, guardian, or person in loco parentis
3 applying to have a child registered for the first time in a school
4 in this state and, beginning in 2002-2003, a parent, guardian, or
5 person in loco parentis of a child entering the sixth grade, shall
6 present to school officials, at the time of registration or not
7 later than the first day of school, a certificate of immunization
8 or statement of exemption under section 9215.

9 (2) A teacher or principal shall not permit a child to enter
10 or attend school unless a certificate indicating that a minimum of
11 1 dose of an immunizing agent against each of the diseases
12 specified by the department has been received and certified to by a
13 health professional or local health department. A parent, guardian,
14 or person in loco parentis having a child registered with only
15 these minimum doses of immunizing agents shall present an updated
16 certificate of immunization within 4 months after initial
17 attendance showing that the immunizations have been completed as
18 prescribed by the department.

19 **(3) BEGINNING WITH THE 2008 SCHOOL YEAR, THE PARENT, GUARDIAN,**
20 **OR PERSON IN LOCO PARENTIS OF A FEMALE CHILD ENROLLING IN GRADE 6**
21 **FOR THE FIRST TIME IN A PUBLIC OR NONPUBLIC SCHOOL SHALL SUBMIT TO**
22 **SCHOOL OFFICIALS 1 OF THE FOLLOWING:**

23 **(A) A STATEMENT OR CERTIFICATE OF IMMUNIZATION SIGNED BY A**
24 **PHYSICIAN THAT THE CHILD HAS RECEIVED THE HUMAN PAPILLOMAVIRUS**
25 **VACCINE.**

26 **(B) A STATEMENT SIGNED BY THE CHILD'S PARENT, GUARDIAN, OR**
27 **PERSON IN LOCO PARENTIS TO THE EFFECT THAT THE PARENT, GUARDIAN, OR**

1 PERSON IN LOCO PARENTIS HAS RECEIVED THE INFORMATION ON THE
2 CONNECTION BETWEEN HUMAN PAPILLOMAVIRUS AND CERVICAL CANCER
3 IDENTIFIED BY THE DEPARTMENT UNDER SECTION 9205B AND THAT THE
4 PARENT, GUARDIAN, OR PERSON IN LOCO PARENTIS HAS ELECTED FOR THE
5 CHILD NOT TO RECEIVE THE HUMAN PAPILLOMAVIRUS VACCINE.

6 Sec. 9227. (1) The department shall promulgate rules to
7 implement this part, including, but not limited to, rules governing
8 all of the following:

9 (a) Age periods for immunizations.

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

11 (c) The minimum number of doses required during a specified
12 time period.

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

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

15 (f) The acquisition, maintenance, and dissemination of
16 information contained in the registry established under section
17 9207.

18 (2) The department shall promulgate rules to implement the
19 expansion of the registry to include the reporting and recording of
20 additional information such as lead screening performed on children
21 AND THE ADMINISTRATION OF THE HUMAN PAPILLOMAVIRUS VACCINE.