

SENATE BILL No. 499

September 24, 1991, Introduced by Senators EHLERS, SCHWARZ, GAST, MC MANUS and CONROY and referred to the Committee on Appropriations.

A bill to amend sections 9601 and 9621 of Act No. 368 of the Public Acts of 1978, entitled as amended "Public health code," being sections 333.9601 and 333.9621 of the Michigan Compiled Laws; and to add section 9623.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 9601 and 9621 of Act No. 368 of the
2 Public Acts of 1978, being sections 333.9601 and 333.9621 of the
3 Michigan Compiled Laws, are amended and section 9623 is added to
4 read as follows:

5 Sec. 9601. (1) The department shall maintain and operate
6 laboratories for the protection of the public health by develop-
7 ing ~~—~~ or otherwise providing for ~~—~~ adequate laboratory
8 services to support public health programs and to fulfill the
9 requirements of law. The director shall determine the services

1 to be offered by the laboratories. Laboratories established by
2 law on the effective date of this part shall be continued until
3 otherwise provided by law. Other laboratories shall be located
4 at places designated by the department.

5 (2) The state, counties, and cities may enter into agree-
6 ments and contracts necessary or appropriate to the establish-
7 ment, operation, and maintenance of the laboratories REQUIRED
8 UNDER SUBSECTION (1).

9 (3) THE DIRECTOR MAY CHARGE A REASONABLE FEE FOR A TESTING
10 SERVICE PROVIDED BY A LABORATORY MAINTAINED AND OPERATED BY THE
11 DEPARTMENT UNDER SUBSECTION (1). BEFORE COLLECTING A FEE UNDER
12 THIS SUBSECTION, THE DEPARTMENT SHALL DEVELOP AND PUBLISH A COM-
13 PREHENSIVE SCHEDULE OF TESTING SERVICES AND FEES. THE SCHEDULE
14 SHALL INCLUDE A DESCRIPTION OF EACH TESTING SERVICE AND THE MAXI-
15 MUM FEE CHARGED FOR EACH TESTING SERVICE. ALONG WITH THE SCHED-
16 ULE SUBMITTED TO THE DIRECTOR OF THE DEPARTMENT OF MANAGEMENT AND
17 BUDGET FOR APPROVAL UNDER THIS SUBSECTION, THE DEPARTMENT SHALL
18 SUBMIT A STATEMENT OF THE RATIONALE USED IN DETERMINING THE FEES
19 CONTAINED IN THE SCHEDULE. THE DEPARTMENT SHALL SUBMIT THE
20 SCHEDULE FOR APPROVAL TO THE DIRECTOR OF THE DEPARTMENT OF MAN-
21 AGEMENT AND BUDGET. THE DEPARTMENT ALSO SHALL SUBMIT TO THE
22 DIRECTOR OF THE DEPARTMENT OF MANAGEMENT AND BUDGET FOR APPROVAL
23 ANY REVISION TO THE ORIGINAL SCHEDULE OF TESTING SERVICES AND
24 FEES.

25 (4) THE DEPARTMENT SHALL SUBMIT TO THE DIRECTOR OF THE
26 DEPARTMENT OF MANAGEMENT AND BUDGET AND TO THE LEGISLATURE AN
27 ANNUAL REPORT THAT CONTAINS ALL OF THE FOLLOWING INFORMATION:

1 (A) THE NUMBER OF TESTS PERFORMED IN THE PRECEDING YEAR FOR
2 WHICH A FEE CAN BE CHARGED UNDER THIS SECTION.

3 (B) THE TOTAL AMOUNT OF FEES COLLECTED UNDER THIS SECTION.

4 (C) ANY COSTS RELATED TO PROVIDING TESTING SERVICES FOR
5 WHICH A FEE CAN BE CHARGED UNDER THIS SECTION.

6 Sec. 9621. (1) A local health department, a state institu-
7 tion, or a physician may ~~require a microbiological examination~~
8 ~~and analysis~~ REQUEST THE DEPARTMENT TO PERFORM LABORATORY
9 TESTING of blood, sputum, urine, water, milk, or ANY other sub-
10 stance from a locality where there is an outbreak of a communica-
11 ble disease or AN epidemic requiring the ~~examination or~~
12 ~~analysis~~ TESTING to protect the public health or ~~for locating~~
13 TO LOCATE sources of infection. ~~These agencies~~ A PERSON OR
14 GOVERNMENTAL AGENCY DESCRIBED IN THIS SUBSECTION may also
15 ~~require examination and analysis~~ REQUEST THE DEPARTMENT TO PER-
16 FORM LABORATORY TESTING of ~~public~~ water supplies ~~and water~~
17 ~~used by the public~~ to assure quality and safety. ~~These~~
18 ~~agencies~~

19 (2) A PERSON OR GOVERNMENTAL AGENCY DESCRIBED IN SUBSECTION
20 (1) shall forward or deliver to the department a sample of the
21 substance to be ~~examined and analyzed~~ TESTED in an appropriate
22 container, accompanied by a statement indicating the ~~examination~~
23 ~~and analyses~~ LABORATORY TESTS requested. ~~The examination and~~
24 ~~analyses for these purposes shall be without charge.~~

25 (3) THE DEPARTMENT SHALL PERFORM LABORATORY TESTING
26 REQUESTED UNDER THIS SECTION.

1 (4) THE DIRECTOR MAY CHARGE A REASONABLE FEE FOR A
2 LABORATORY TEST PERFORMED UNDER THIS SECTION. BEFORE COLLECTING
3 A FEE UNDER THIS SUBSECTION, THE DEPARTMENT SHALL DEVELOP AND
4 PUBLISH A COMPREHENSIVE SCHEDULE OF LABORATORY TESTING SERVICES
5 AND FEES. THE DEPARTMENT, IN DEVELOPING AND PUBLISHING THE
6 SCHEDULE, IS SUBJECT TO THE REQUIREMENTS CONTAINED IN
7 SECTION 9601(3) AND (4).

8 SEC. 9623. (1) THE LABORATORY TESTING FUND IS CREATED IN
9 THE STATE TREASURY. THE DEPARTMENT SHALL EXPEND THE FUND ONLY AS
10 PROVIDED IN THIS SECTION.

11 (2) THE STATE TREASURER SHALL CREDIT TO THE LABORATORY TEST-
12 ING FUND ALL FEES RECEIVED BY THE DEPARTMENT UNDER THIS PART.

13 (3) THE DEPARTMENT SHALL USE THE LABORATORY TESTING FUND
14 ONLY TO DEVELOP AND PROVIDE LABORATORY SERVICES UNDER THIS PART
15 INCLUDING, BUT NOT LIMITED TO, PURCHASING EQUIPMENT, DEVELOPING
16 PROCEDURES, AND MAKING OTHER IMPROVEMENTS TO THE LABORATORY TEST-
17 ING PROGRAM DETERMINED NECESSARY BY THE DEPARTMENT.