



**House
Legislative
Analysis
Section**

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IMMUNIZATIONS FOR SCHOOL

**House Bill 5094 as enrolled
Public Act 399 of 1996
Second Analysis (10-15-96)**

**Sponsor: Rep. William R. Bryant, Jr.
House Committee: Education
Senate Committee: Education**

THE APPARENT PROBLEM:

The Department of Education has requested the enactment of legislation that would make the School Code's provisions regarding immunization of school children as a condition of enrollment consistent with provisions in the Public Health Code and the State School Aid Act.

THE CONTENT OF THE BILL:

The bill would amend sections of the Revised School Code dealing with immunization of school children in the following ways. (The Revised School Code took effect July 1, 1996.)

-- The administrator of each school is required to provide the state health department with the immunization status of entering children before November 1 of each year. The information is transmitted through the local full-time health department where one exists. The bill would require the November report to be provided "not later than" November 1 rather than "before," and would specify that the report would be on children in grades K-12 who enrolled in the school for the first time between the immediately preceding January 1 and the immediately preceding September 30. The bill also would require the school administrator to provide an update to the November list no later than February 1 of each year to show the immunization status of each child in grades K-12 who enrolled for the first time during the calendar year ending the immediately preceding December 31. (This February 1 report requirement is already found in the Public Health Code at MCL 333.9209 and in the State School Aid Act at MCL 388.1767).

-- The code also requires that school administrators provide a vision report for each entering child by November 1. The bill would specify that the vision report was for each child entering kindergarten. The code requires the parent or guardian of each enrolling child to submit a statement signed by a health department director that the child had been administered the state

health department pre-school vision screening test or a statement signed by a physician or optometrist stating the child's eyes had been examined. A vision test is not required if there are religious objections. (Note: The Public Health Code requires parents or guardians registering children for the first time in kindergarten or first grade to present a certificate of hearing and vision testing or screening or a statement of exemption, and requires school administrators to give the state and local health departments a summary of hearing and vision reports for students newly entering school at the kindergarten or first grade level.)

-- The School Code currently requires that a child entering a public or non-public school for the first time must submit 1) a statement signed by a physician that the child has been tested for and immunized or protected against diseases specified by the state health department; 2) a statement signed by a parent or guardian to the effect that the child has not been immunized because of religious convictions or other objection to immunization; or 3) a request signed by a parent or guardian that the local health department give the needed protective injections. The bill would eliminate the current language for the third option (known as a provisional waiver) and the replace it with "a statement signed by a physician that certifies that the child is in the process of complying with all immunization requirements."

-- The bill would delete a requirement that the director of the Department of Public Health appoint an advisory board consisting of equal numbers of ophthalmologists and optometrists to advise and assist the department with vision programs.

-- In several places the bill would replace references to the Department of Public Health with references to the Department of Community Health.

MCL 380.1177

House Bill 5094 (10-15-96)

FISCAL IMPLICATIONS:

The bill would have no fiscal impact on state or local government, according to the Senate Fiscal Agency. (Analysis dated 6-19-96)

ARGUMENTS:

For:

The bill's aim is to make the immunization language in the Revised School Code more consistent with similar provisions in the Public Health Code and in the State School Aid Act. In particular, it requires a second reporting date for the immunization status of children in school. The bill also rewrites the provisional waiver language, which is intended to permit children to enter school if they are in the process of receiving immunizations.

Analyst: C. Couch

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.