

# HOUSE BILL No. 4144

February 3, 1999, Introduced by Rep. Jamnick and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
by amending sections 5101 and 5111 (MCL 333.5101 and 333.5111),  
as amended by 1994 PA 200.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1       Sec. 5101. (1) As used in this article:
- 2       (A) "ACCREDITED VETERINARIAN" MEANS THAT TERM AS DEFINED IN
- 3 1994 PA 358, MCL 287.891 TO 287.901.
- 4       (B) ~~—(a)—~~ "Care" includes treatment, control, transporta-
- 5 tion, confinement, and isolation in a facility or other
- 6 location.
- 7       (C) ~~—(b)—~~ "Communicable disease" means an illness due to a
- 8 specific infectious agent or its toxic products that results from
- 9 transmission of that infectious agent or its products from a
- 10 reservoir to a susceptible host, directly as from an infected

1 individual or animal, or indirectly through the agency of an  
2 intermediate plant or animal host, vector, or the inanimate  
3 environment.

4 (D) ~~-(c)-~~ "HIV" means human immunodeficiency virus.

5 (E) ~~-(d)-~~ "HIV infection" or "HIV infected" means the status  
6 of an individual who has tested positive for HIV, as evidenced by  
7 either a double positive enzyme-linked immunosorbent assay test,  
8 combined with a positive western blot assay test, or a positive  
9 result under an HIV test that is considered reliable by the fed-  
10 eral centers for disease control and is approved by the  
11 department.

12 (F) ~~-(e)-~~ "Immunization" means the process of increasing an  
13 individual's immunity to a disease by use of a vaccine, antibody  
14 preparation, or other substance.

15 (G) ~~-(f)-~~ "Infection" means the invasion of the body with  
16 microorganisms or parasites, whether or not the invasion results  
17 in detectable pathologic effects.

18 (H) ~~-(g)-~~ "Serious communicable disease or infection" means  
19 a communicable disease or infection that is designated as serious  
20 by the department pursuant to this part. Serious communicable  
21 disease or infection includes, but is not limited to, HIV infec-  
22 tion, acquired immunodeficiency syndrome, venereal disease, and  
23 tuberculosis.

24 (I) ~~-(h)-~~ "Venereal disease" means syphilis, gonorrhea,  
25 chancroid, lymphogranuloma venereum, granuloma inguinale, and  
26 other sexually transmitted diseases which the department by rule  
27 may designate and require to be reported.

1       (2) In addition, article 1 contains general definitions and  
2 principles of construction applicable to all articles in this  
3 code.

4       Sec. 5111. (1) In carrying out its authority under this  
5 article, the department may promulgate rules to:

6       (a) Designate and classify communicable, serious communica-  
7 ble, chronic, other noncommunicable diseases, infections, and  
8 disabilities.

9       (b) Establish requirements for reporting and other surveil-  
10 lance methods for measuring the occurrence of diseases, infec-  
11 tions, and disabilities and the potential for epidemics. Rules  
12 promulgated under this subdivision may require a licensed health  
13 professional or health facility to submit to the department or a  
14 local health department, on a form provided by the department, a  
15 report of the occurrence of a communicable disease, serious com-  
16 municable disease or infection, or disability. The rules promul-  
17 gated under this subdivision may require a report to be submitted  
18 to the department not more than 24 hours after a licensed health  
19 professional or health facility determines that an individual has  
20 a serious communicable disease or infection.

21       (c) Investigate cases, epidemics, and unusual occurrences of  
22 diseases, infections, and situations with a potential for causing  
23 diseases.

24       (d) Establish procedures for control of diseases and infec-  
25 tions, including, but not limited to, immunization and environ-  
26 mental controls.

1 (e) Establish procedures for the prevention, detection, and  
2 treatment of disabilities and rehabilitation of individuals  
3 suffering from disabilities or disease, including nutritional  
4 problems.

5 (f) Establish procedures for control of rabies and the dis-  
6 position of nonhuman agents carrying disease, including rabid  
7 animals. IF A LOCAL HEALTH OFFICER BELIEVES THAT AN ANIMAL HAS  
8 BITTEN, SCRATCHED, CAUSED ABRASIONS, OR CONTAMINATED WITH SALIVA  
9 OR OTHER INFECTIOUS MATERIAL AN OPEN WOUND OR MUCUS MEMBRANE OF A  
10 HUMAN BEING, A LOCAL HEALTH OFFICER MAY ORDER THAT THE ANIMAL BE  
11 EUTHANIZED AND ITS BRAIN EXAMINED FOR RABIES BEFORE THE EXPIRA-  
12 TION OF ANY QUARANTINE PERIOD ESTABLISHED BY THE DEPARTMENT. THE  
13 LOCAL HEALTH OFFICER SHALL CONSULT WITH AN ACCREDITED VETERINAR-  
14 IAN BEFORE ISSUING SUCH AN ORDER. THE ORDER SHALL STATE THE  
15 REASON FOR THE ORDER, SUCH AS THE VACCINATION STATUS OF THE  
16 ANIMAL, THE OCCURRENCE OF RABIES IN THE AREA, THE ABSENCE OF  
17 PROVOCATION FOR THE INCIDENT, THE SEVERITY OF A WOUND, OR A  
18 WOUND'S PROXIMITY TO THE BRAIN.

19 (g) Establish procedures for the reporting of known or sus-  
20 pected cases of lead poisoning or undue lead body burden.

21 (h) Designate communicable diseases or serious communicable  
22 diseases or infections for which local health departments are  
23 required to furnish care including, but not limited to, tubercu-  
24 losis and venereal disease.

25 (i) Implement this part and parts 52 and 53 including, but  
26 not limited to, rules for the discovery, care, and reporting of  
27 an individual having or suspected of having a communicable

1 disease or a serious communicable disease or infection, and to  
2 establish approved tests under section ~~5125~~ 5123 and approved  
3 prophylaxes under section ~~5127~~ 5125.

4 (2) The department shall promulgate rules to provide for the  
5 confidentiality of reports, records, and data pertaining to test-  
6 ing, care, treatment, reporting, and research associated with  
7 communicable diseases and serious communicable diseases or  
8 infections. The rules shall specify the communicable diseases  
9 and serious communicable diseases or infections covered under the  
10 rules and shall include, but are not limited to, hepatitis B,  
11 venereal disease, and tuberculosis. The rules shall not apply to  
12 the serious communicable diseases or infections of HIV infection,  
13 or acquired immunodeficiency syndrome. ~~The department shall~~  
14 ~~submit the rules for public hearing under the administrative pro-~~  
15 ~~cedures act of 1969 by November 20, 1989.~~