

Act No. 508  
Public Acts of 2004

Filed with the Secretary of State  
December 29, 2004

NO EFFECTIVE DATE: Tie-barred to HB 5467, which was vetoed by the Governor

**STATE OF MICHIGAN  
92ND LEGISLATURE  
REGULAR SESSION OF 2004**

**Introduced by Reps. Gleason, Stahl, Gillard, Murphy, Adamini, Bieda, Sak, Stakoe, Voorhees, Pastor, Hoogendyk, Hager, Hummel, Kooiman, Vander Veen and Taub**

# **ENROLLED HOUSE BILL No. 5474**

AN ACT to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," by amending section 16905 (MCL 333.16905), as added by 1995 PA 126.

*The People of the State of Michigan enact:*

Sec. 16905. (1) This part does not apply to an individual engaged in social work as defined in section 18501, in the course of employment with a governmental agency or a reputable social service agency regularly providing social work services as an agency.

(2) This part does not apply to a service provider who is an ordained cleric or other religious practitioner who provides advice, guidance, or teaching based on his or her religious beliefs, creeds, or doctrines if the cleric or other religious practitioner does not hold himself or herself out to the public as a marriage and family therapist licensed under this article or use 1 or more of the titles listed in section 16263(1)(q) and if no fee or donation is exacted for the service. This part does not prohibit a service provider from accepting a voluntary contribution.

(3) This part does not apply to an ordained cleric or other religious practitioner who has been authorized by law to officiate at a marriage if that person provides, in writing, an affidavit clearly stating that the provider is a member of the clergy or a religious practitioner, is not a marriage and family therapist licensed under this article, and does not use 1 or more of the titles listed in section 16263(1)(q), and that the advice, guidance, or teaching is based on the religious beliefs, creeds, or doctrines of the provider.

(4) This part does not apply to a physician licensed under this article who has completed an accredited psychiatric residency program approved by the Michigan board of medicine or to a psychologist fully licensed under this article, if both of the following circumstances exist:

(a) The individual is practicing his or her profession in a manner consistent with his or her education and training and is practicing in a manner consistent with the code of ethics of that profession.

(b) The individual does not hold himself or herself out to the public as a marriage and family therapist licensed under this article or use any of the titles listed in section 16263(1)(q) for advertising purposes. This subdivision does not prohibit the individual from advertising under a telephone or other business directory listing that uses those titles if the individual discloses in the listing, in an unabbreviated fashion, the profession in which he or she is licensed.

(5) This part does not limit an individual in, or prevent an individual from, the practice of a statutorily regulated profession or occupation if services to families, couples, or subsystems of families are part of the services provided by that profession or occupation, and if the individual does not hold himself or herself out to the public as a marriage and family therapist licensed under this article or use 1 or more of the titles listed in section 16263(1)(q). As used in this subsection, "statutorily regulated profession or occupation" means an occupation or profession regulated by statute that includes, but is not limited to, all of the following: a physician, attorney, fully licensed psychologist, limited licensed psychologist, temporary limited licensed psychologist, licensed professional counselor, limited licensed counselor, school counselor, or until July 1, 2005, social worker, certified social worker, or social work technician, and beginning July 1, 2005, a social worker, licensed master's social worker, licensed bachelor's social worker, or social service technician as prescribed under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838.

Enacting section 1. This amendatory act takes effect October 1, 2005.

Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 92nd Legislature are enacted into law:

- (a) Senate Bill No. 959.
- (b) Senate Bill No. 961.
- (c) Senate Bill No. 963.
- (d) Senate Bill No. 964.
- (e) Senate Bill No. 966.
- (f) House Bill No. 5467.
- (g) House Bill No. 5468.
- (h) House Bill No. 5469.
- (i) House Bill No. 5470.
- (j) House Bill No. 5471.
- (k) House Bill No. 5473.

This act is ordered to take immediate effect.



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Clerk of the House of Representatives



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Secretary of the Senate

Approved .....

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Governor