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BILL ANALYSIS

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Senate Bill 335 (as introduced 3-22-05)
Sponsor: Senator Gilda Z. Jacobs
Committee: Health Policy

Date Completed: 5-31-05

CONTENT

The bill would amend the child care licensing Act to allow a child to possess and use a metered dose or dry powder inhaler, or an epinephrine auto-injector or inhaler at a children's camp, if certain conditions were met; and to revise the definition of "children's camp".

"Children's Camp" Definition

Currently, the Act defines "children's camp" as a residential, day, troop, or travel camp conducted in a natural environment for more than four school-age children, apart from the children's parents, relatives, or legal guardians, for five or more days in a 14-day period. A children's camp provides care and supervision for the same group of children usually for not more than 12 weeks.

The bill would delete the reference to a natural environment, and eliminate "for five or more days in a 14-day period".

Epinephrine Possession & Use

Under the bill, if certain conditions (described below) were met, notwithstanding any children's camp policy to the contrary, a minor child could possess and use any of the following at the camp, on camp-sponsored transportation, or at any activity, event, or program sponsored by the camp or in which the child was participating:

- A metered dose inhaler or a dry power inhaler to alleviate asthmatic symptoms or for use before exercise to prevent the onset of asthmatic symptoms.
- An epinephrine auto-injector or epinephrine inhaler to treat anaphylaxis.

A minor child could possess and use the devices only if all of the following conditions were met:

- The child had written approval to possess and use the inhaler or auto-injector from his or her physician or other health care provider authorized by law to prescribe an inhaler or epinephrine auto-injector and from the child's parent or legal guardian.
- The director or other chief administrator of the camp had received a copy of the written approval.
- There was on file at the camp a written emergency care plan that contained specific instructions for the child's needs, that was prepared by a physician licensed in Michigan

-- in collaboration with the child and his or her parent or legal guardian, and that was updated as necessary for changing circumstances.

Exemption from Civil Liability

A children's camp or an owner, director, or employee would not be liable for damages in a civil action for injury, death, or loss to person or property allegedly arising from either of the following:

- A camp employee's having prohibited a child from using an inhaler or auto-injector because of his or her reasonable belief, formed after a reasonable and ordinary inquiry, that the specified conditions had not been satisfied.
- A camp employee's having permitted a child to use or possess an inhaler or auto-injector because of his or her reasonable belief, formed after a reasonable and ordinary inquiry, that the prescribed conditions had been satisfied.

The bill specifies that this provision would not eliminate, limit, or reduce any other immunity or defense that a camp or an owner, director, or employee could have under other State law.

Other Provisions

A camp could request that a child's parent provide an extra inhaler or auto-injector to designated camp personnel for use in case of emergency. A parent or legal guardian, however, could not be required to do so.

A director or other chief administrator of a camp who was aware that a child possessed an inhaler or epinephrine auto-injector as authorized under the bill would have to notify each camp employee who supervised the child of that fact and the bill's provisions.

MCL 722.111 et al.

Legislative Analyst: Julie Koval

FISCAL IMPACT

The bill would have an indeterminate impact on State government. The elimination of "in a natural environment" and "for 5 or more days in a 14 day period" under Section 1(d) of the Act would increase the number of programs required to obtain a license due to the overlap that would be created between the definitions of children's day care programs and children's camps. The definitions' overlap in addition could decrease the number of new, higher child care license application fees collected by the State, and programs not currently licensed could be required to apply for licensure. In order to process more camp license applications, 10 full-time equivalent Office of Children and Adult Licensing employees, from the current three, would be needed, at an annual cost of \$476,000 Gross, \$143,000 GF/GP. At this time there is insufficient information to determine how many additional applications would be submitted for licenses and how the impact of the definition overlap would affect the collection of fees.

Fiscal Analyst: Constance Cole

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