



Senate Fiscal Agency
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**BILL ANALYSIS**

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Senate Bills 132 and 133 (as introduced 1-31-07)
Sponsor: Senator Deborah Cherry (S.B. 132)
Senator Tony Stamas (S.B. 133)
Committee: Health Policy

Date Completed: 2-20-07

CONTENT

Senate Bill 132 would amend Part 92 (Immunizations) of the Public Health Code to do the following:

- **Require the Department of Community Health (DCH) to consult with the Michigan Advisory Committee on Immunizations about revisions to the list of required childhood immunizations and the identification and dissemination of materials containing information about diseases for which vaccines are recommended.**
- **Require the DCH annually to report to the Legislature on revisions to the immunization list and the required materials.**
- **Require the DCH to include the human papillomavirus (HPV) vaccine in a child's certificate of immunization.**
- **Require a health care provider to obtain the consent of a child's parent or guardian to administer the HPV vaccine.**
- **Require the parent or guardian of a 6th-grade student to give school officials a certificate of immunization including the HPV vaccine or a statement of exemption.**

Senate Bill 133 would amend the Revised School Code to require the parent or guardian of a female 6th-grade student to give school officials a statement that she had received the HPV vaccine or that the parent or guardian chose not to have her vaccinated.

Senate Bill 133 is tie-barred to Senate Bill 132. The bills are described below in further detail.

Senate Bill 132**Michigan Advisory Committee on Immunizations**

The bill would require the DCH to consult with the Michigan Advisory Committee on Immunizations regarding all of the following:

- A review of the list of childhood immunizations required for school entry or registration to a preschool program of group residence or care, to determine if the list should be revised to include additional vaccinations approved by the Federal Food and Drug Administration or if vaccinations should be removed.

-- Identifying and disseminating materials that contained information regarding the risks associated with diseases for which immunizations are recommended and the availability, effectiveness, and potential risks of the vaccinations to protect against those diseases.

By March 1 each year, the DCH would have to report to the Senate and House of Representatives standing committees on health issues changes that had been made or were being considered to the list of childhood immunizations and any materials that had been identified or disseminated as required during the previous calendar year.

The DCH would have to notify standing committee members of the day and time that Advisory Committee meetings would be held to discuss the immunization list review and the identification and dissemination of the informational materials. The DCH would have to notify members before the meetings so that they could attend if they wished.

Health Care Providers

Under the Public Health Code, the health care provider administering an immunizing agent to a child must give a certificate of immunization to the person accompanying the child, or make an entry on a certificate in the person's possession. The certificate must indicate the diseases or infections for which the child has been immunized, the number of doses given, the dates administered, and whether further immunizations are indicated. Under the bill, beginning with the 2008-2009 school year, the DCH would have to include the HPV vaccine in the certificate.

The bill would require a health care provider to provide a child's parent, guardian, or person in loco parentis with the most recent vaccine information statement, and obtain that person's consent to administer the HPV vaccine.

Immunization of 6th Graders

Under the Code, a parent, guardian, or person in loco parentis applying to have a child registered for the first time in a school in Michigan, or of a child entering the 6th grade, must present to school officials, at the time of registration or by the first day of school, a certification of immunization or statement of exemption. Under the bill, beginning with the 2008-2009 school year, a parent, guardian, or person in loco parentis of a child entering the 6th grade would have to present to school officials a certificate of immunization that included the HPV vaccine or a statement of exemption under Section 9215.

(Under that section, a child is exempt from immunization requirements if a physician certifies that a specific immunization would be inappropriate or detrimental to the child's health, or if the child's parent, guardian, or person in loco parentis presents a written statement to the school administrator or group program operator to the effect that the requirements cannot be met because of religious convictions or other objection to immunization.)

Under the Code, a teacher or principal may not permit a child to enter or attend school unless a certificate indicating that a minimum of one dose of an immunizing agent against each of the diseases specified by the DCH has been received and certified by a health professional or local health department. A parent, guardian, or person in loco parentis having a child registered with only the minimum doses must present an updated certificate of immunization within four months after initial attendance showing that the immunizations have been completed as prescribed by the Department. Under the bill, the updated certificate would have to be presented within four months, or a later date if prescribed by the DCH, after initial attendance.

Rules

The Code requires the DCH to promulgate rules to implement Part 92. The DCH also must promulgate rules to implement the expansion of the Childhood Immunization Registry to include the reporting and recording of additional information such as lead screening performed on children. The bill also would require the inclusion of information on the administration of the HPV vaccine. (Under the Code, the DCH must establish the Registry to record information regarding immunizations performed under Part 92.)

Senate Bill 133

Under the Revised School Code, a child enrolling in a public or nonpublic school for the first time or enrolling in 6th grade for the first time must submit one of the following:

- A statement signed by a physician that the child has been tested for and immunized or protected against diseases specified by the DCH Director.
- 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.
- A statement signed by a physician certifying that the child is in the process of complying with all immunization requirements.

Under the bill, beginning with the 2008 school year, the parent or legal guardian of a female child enrolling in 6th grade for the first time in a public or nonpublic school, also would have to submit to school officials one of the following:

- A statement signed by a physician that the child had received the HPV vaccine.
- A statement signed by the child's parent or guardian to the effect that he or she had received the information on the connection between HPV and cervical cancer identified by the DCH, and had elected for the child not to receive the HPV vaccine.

MCL 333.9206 et al. (S.B. 132)
380.1177 (S.B. 133)

BACKGROUND

Human Papillomavirus; HPV Vaccine

According to the Centers for Disease Control and Prevention:

"Genital HPV is a common virus that is passed on through genital contact, most often during vaginal and anal sex. About 40 types of HPV can infect the genital areas of men and women. While most HPV types cause no symptoms and go away on their own, some types can cause cervical cancer in women. These types also have been linked to other less common genital cancers... Other types of HPV can cause warts in the genital areas of men and women...

At least 50% of sexually active people will get HPV at some time in their lives. Every year in the United States (U.S.), about 6.2 million people get HPV. HPV is most common in young women and men who are in their late teens and early 20s...

The American Cancer Society estimates that in 2006, over 9,700 women will be diagnosed with cervical cancer and 3,700 women will die from this cancer in the U.S."

In June 2006, the U.S. Food and Drug Administration (FDA) announced its approval of the first vaccine developed to prevent cervical cancer, precancerous genital lesions, and genital warts due to four types of the human papillomavirus, which is the most common sexually

transmitted infection in the United States. According to the Centers for Disease Control and Prevention (CDC), the vaccine is recommended for 11- to 12-year old girls, and may be given to girls as young as nine. It also is recommended for 13- to 26-year old females who have not received or completed the three-injection series. Ideally, according to the CDC, females should be vaccinated before they become sexually active, because the vaccine is most effective in girls and women who have not yet acquired any of the four types of HPV covered by the vaccine.

DCH Immunization Rules

Under Rule 325.176 of the Michigan Administrative Code, a child who is four through six years old and who is entering school must be in compliance with specified immunization requirements. These include a prescribed number of doses of a tetanus vaccine, pertussis vaccine, and polio vaccine. The child also must have evidence of measles immunity, mumps immunity, and rubella immunity as shown either through vaccinations or laboratory evidence, as well as evidence of varicella immunity as shown by a vaccination, lab evidence, or a parent, guardian, or physician statement that the child has had varicella disease. In addition, a child must have three doses of hepatitis B vaccine or a laboratory finding of immunity.

Rule 325.176 also prescribes immunization requirements for a child who is seven through 18 years old and who is entering school or enrolled in 6th grade. These requirements are generally the same as those prescribed for four- to six-year-olds, except for some differences in the dosage requirements and the exclusion of pertussis.

The rule requires the administrator of a child's school, when presented with a medical, religious, or other exemption, to recognize the exemption status of the child.

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

Senate Bill 132

Each dose of HPV vaccine is estimated to cost between \$300 and \$400 per recipient. It is likely that the bill would significantly increase the number of individuals receiving the HPV vaccine, creating an indeterminate increase in cost to the Medicaid program and to health benefit plans offered to State and local employees.

Senate Bill 133

The bill would have no fiscal impact on State or local government.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.