

HOUSE BILL No. 4164

January 30, 2007, Introduced by Reps. Clack, Meadows, Constan, Lemmons, Vagnozzi, Johnson, Bieda, Gonzales, Espinoza, Donigan, Angerer, Sak, Alma Smith, Accavitti, Warren, Virgil Smith, Jackson, Hopgood, Wojno, Polidori, Leland and Cheeks and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 9206, 9208, and 9227 (MCL 333.9206, 333.9208, and 333.9227), section 9206 as amended by 1996 PA 540, section 9208 as amended by 2000 PA 90, and section 9227 as amended by 2006 PA 91, and by adding section 9205b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 9205B. (1) THE DEPARTMENT SHALL CONSULT WITH THE MICHIGAN
2 ADVISORY COMMITTEE ON IMMUNIZATIONS ON ALL OF THE FOLLOWING:

3 (A) A REVIEW OF THE LIST OF CHILDHOOD IMMUNIZATIONS REQUIRED
4 FOR SCHOOL ENTRY OR REGISTRATION TO A PRESCHOOL PROGRAM OF GROUP
5 RESIDENCE OR CARE TO DETERMINE IF THE LIST SHOULD BE REVISED TO

1 INCLUDE ADDITIONAL VACCINATIONS THAT HAVE BEEN APPROVED BY THE
2 FEDERAL FOOD AND DRUG ADMINISTRATION OR IF VACCINATIONS SHOULD BE
3 REMOVED.

4 (B) IDENTIFYING AND DISSEMINATING MATERIALS THAT CONTAIN
5 INFORMATION REGARDING THE RISKS ASSOCIATED WITH DISEASES FOR WHICH
6 IMMUNIZATIONS ARE RECOMMENDED AND THE AVAILABILITY, EFFECTIVENESS,
7 AND POTENTIAL RISKS OF THE VACCINATIONS TO PROTECT AGAINST THOSE
8 DISEASES.

9 (2) ON OR BEFORE MARCH 1 EACH YEAR, THE DEPARTMENT SHALL
10 REPORT TO THE SENATE AND HOUSE OF REPRESENTATIVES STANDING
11 COMMITTEES ON HEALTH ISSUES CHANGES THAT HAVE BEEN MADE OR ARE
12 BEING CONSIDERED TO THE LIST OF CHILDHOOD IMMUNIZATIONS AND ANY
13 MATERIALS THAT HAVE BEEN IDENTIFIED OR DISSEMINATED UNDER
14 SUBSECTION (1) DURING THE PREVIOUS CALENDAR YEAR.

15 (3) THE DEPARTMENT SHALL NOTIFY MEMBERS OF THE SENATE AND
16 HOUSE OF REPRESENTATIVES STANDING COMMITTEES ON HEALTH ISSUES OF
17 THE DAY AND TIME THAT MEETINGS OF THE MICHIGAN ADVISORY COMMITTEE
18 ON IMMUNIZATIONS WILL BE HELD TO DISCUSS ITEMS REQUIRED UNDER
19 SUBSECTION (1). THE DEPARTMENT SHALL NOTIFY THE MEMBERS AS REQUIRED
20 IN THIS SUBSECTION IN ADVANCE OF THE MEETINGS SO THAT MEMBERS MAY
21 ATTEND IF THEY WISH.

22 Sec. 9206. (1) The health care provider administering an
23 immunizing agent to a child shall present the person accompanying
24 the child with a written certificate of immunization, or make an
25 entry of the immunization on a certificate in the person's
26 possession. The certificate shall be in a form prescribed by the
27 department and shall indicate the diseases or infections for which

1 the child has been immunized, the number of doses given, the dates
2 when administered, and whether further immunizations are indicated.

3 **BEGINNING WITH THE 2008-2009 SCHOOL YEAR, THE DEPARTMENT SHALL**
4 **INCLUDE THE HUMAN PAPILLOMAVIRUS VACCINE IN THE CERTIFICATE**
5 **PRESCRIBED UNDER THIS SUBSECTION.**

6 (2) Before administering an immunizing agent to a child, a
7 health care provider shall ~~notify~~ **DO EACH OF THE FOLLOWING:**

8 **(A) NOTIFY** the parent, guardian, or person in loco parentis of
9 the child, on a form provided by the department, of the right to
10 object to the reporting requirement of subsection (3).

11 **(B) PROVIDE THE PARENT, GUARDIAN, OR PERSON IN LOCO PARENTIS**
12 **OF THE CHILD WITH THE MOST RECENT VACCINE INFORMATION STATEMENT.**

13 **(C) OBTAIN THE CONSENT OF THE PARENT, GUARDIAN, OR PERSON IN**
14 **LOCO PARENTIS OF THE CHILD TO ADMINISTER THE HUMAN PAPILLOMAVIRUS**
15 **VACCINE.**

16 (3) Unless the parent, guardian, or person in loco parentis of
17 the child who received the immunizing agent objects by written
18 notice received by the health care provider prior to reporting, a
19 health care provider shall report to the department each
20 immunization administered by the health care provider, pursuant to
21 rules promulgated under section 9227. If the parent, guardian, or
22 person in loco parentis of the child who was immunized objects to
23 the reporting requirement of this subsection by written notice
24 received by the health care provider prior to notification, the
25 health care provider shall not report the immunization.

26 (4) A health care provider who complies or fails to comply in
27 good faith with subsection (3) is not liable in a civil action for

1 damages as a result of an act or omission during the compliance,
2 except an act or omission constituting gross negligence or willful
3 and wanton misconduct.

4 (5) As used in this section, "health care provider" means a
5 health professional, health facility, or local health department.

6 Sec. 9208. (1) A parent, guardian, or person in loco parentis
7 applying to have a child registered for the first time in a school
8 in this state ~~and, beginning in 2002-2003, a parent, guardian, or~~
9 ~~person in loco parentis of a child entering the sixth grade, shall~~
10 present to school officials, at the time of registration or not
11 later than the first day of school, a certificate of immunization
12 or statement of exemption under section 9215. **A PARENT, GUARDIAN,**
13 **OR PERSON IN LOCO PARENTIS OF A CHILD ENTERING THE SIXTH GRADE**
14 **SHALL PRESENT TO SCHOOL OFFICIALS, AT THE TIME OF REGISTRATION OR**
15 **NOT LATER THAN THE FIRST DAY OF SCHOOL, A CERTIFICATE OF**
16 **IMMUNIZATION THAT BEGINNING WITH THE 2008-2009 SCHOOL YEAR INCLUDES**
17 **THE HUMAN PAPILLOMAVIRUS VACCINE OR STATEMENT OF EXEMPTION UNDER**
18 **SECTION 9215.**

19 (2) A teacher or principal shall not permit a child to enter
20 or attend school unless a certificate indicating that a minimum of
21 1 dose of an immunizing agent against each of the diseases
22 specified by the department has been received and certified to by a
23 health professional or local health department. A parent, guardian,
24 or person in loco parentis having a child registered with only
25 these minimum doses of immunizing agents shall present an updated
26 certificate of immunization within 4 months, **OR A LATER DATE IF**
27 **PRESCRIBED BY THE DEPARTMENT,** after initial attendance showing that

1 the immunizations have been completed as prescribed by the
2 department.

3 Sec. 9227. (1) The department shall promulgate rules to
4 implement this part, including, but not limited to, rules governing
5 all of the following:

6 (a) Age periods for immunizations.

7 (b) The minimum ages at which immunization may be commenced.

8 (c) The minimum number of doses required during a specified
9 time period.

10 (d) Minimum levels of immunization for children in school.

11 (e) Reporting under section 9206(3).

12 (f) The acquisition, maintenance, and dissemination of
13 information contained in the registry established under section
14 9207.

15 (2) The department shall promulgate rules to implement the
16 expansion of the registry to include the reporting and recording of
17 additional information such as lead screening performed on children

18 **AND THE ADMINISTRATION OF THE HUMAN PAPILLOMAVIRUS VACCINE.**