

Act No. 23
Public Acts of 2010
Approved by the Governor
March 25, 2010
Filed with the Secretary of State
March 25, 2010
EFFECTIVE DATE: March 25, 2010

**STATE OF MICHIGAN
95TH LEGISLATURE
REGULAR SESSION OF 2010**

Introduced by Senators Kahn, Pappageorge, Hardiman and Birkholz

ENROLLED SENATE BILL No. 722

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," (MCL 333.1101 to 333.25211) by adding section 21529; and to repeal acts and parts of acts.

The People of the State of Michigan enact:

Sec. 21529. (1) Beginning October 1, 2010, a hospital shall establish a seasonal influenza immunization policy. The seasonal influenza immunization policy shall be consistent with guidelines or recommendations issued by the federal centers for disease control and prevention or by the advisory committee on immunization practices of the federal centers for disease control and prevention. A hospital shall include all of the following in its seasonal influenza immunization policy:

- (a) A procedural plan for managing its supply of any influenza vaccine.
- (b) Procedures for identifying individuals 65 years of age or older and, at the discretion of the hospital, other patients at risk, who are admitted to the hospital.
- (c) Procedures for offering immunization against the influenza virus during the influenza season to individuals 65 years of age or older and, at the discretion of the hospital, other patients at risk, who are admitted to the hospital for a period of 24 hours or more.
- (d) Procedures for ensuring that an individual offered the influenza vaccination or the individual's authorized representative receives information regarding the risks and benefits of the influenza vaccination.
- (e) A standing order policy approved by the medical director or other appropriate health professional that includes, but is not limited to, an assessment for medical contraindication to administering the influenza vaccination.

(f) A system for documenting influenza vaccination administration, medical contraindications, patient refusals, and any postvaccination adverse events.

(2) As used in this section, "influenza season" means that period between October 1 and March 1.

(3) This section is repealed effective April 1, 2012.

Enacting section 1. This amendatory act does not take effect unless House Bill No. 4172 of the 95th Legislature is enacted into law.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate

Richard J. Brown

Clerk of the House of Representatives

Approved

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Governor

Compiler's note: House Bill No. 4172, referred to in enacting section 1, was filed with the Secretary of State March 25, 2010, and became 2010 PA 21, Imd. Eff. Mar. 25, 2010.