

**SUBSTITUTE FOR
HOUSE BILL NO. 5418**

A bill to amend 1976 PA 451, entitled
"The revised school code,"
(MCL 380.1 to 380.1852) by adding sections 1180 and 1181.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1180. (1) The administrator of a public or nonpublic
2 school, or his or her designee, who receives a copy of a do-not-
3 resuscitate order executed under section 3a or 3b of the Michigan
4 do-not-resuscitate procedure act, 1996 PA 193, MCL 333.1053a and
5 333.1053b, from a parent or legal guardian of a pupil enrolled in
6 the school shall ensure that all of the following are met:

7 (a) The copy of the do-not-resuscitate order is placed in a
8 file created specifically for a copy of a do-not-resuscitate order
9 or the revocation of a do-not-resuscitate order in a manner and



1 location to be determined by the administrator of the public or
2 nonpublic school, regardless of whether the order pertains to a
3 pupil with an individualized education program.

4 (b) If the administrator, or his or her designee, received a
5 copy of a do-not-resuscitate order for a pupil during the
6 immediately preceding school year, the administrator, or his or her
7 designee, inquires of the pupil's parent or legal guardian at the
8 beginning of the school year to determine if the order is still in
9 effect.

10 (c) The administrator, or his or her designee, provides actual
11 notice of the do-not-resuscitate order described in this subsection
12 to each teacher or other school employee who provides instructional
13 or noninstructional services directly to the pupil.

14 (2) The administrator, or his or her designee, who receives
15 actual notice of a revocation of a do-not-resuscitate order under
16 section 10 of the Michigan do-not-resuscitate procedure act, 1996
17 PA 193, MCL 333.1060, shall provide actual notice of the revocation
18 to each teacher or other school employee who provides instructional
19 or noninstructional services directly to the pupil.

20 (3) If a public or nonpublic school has a copy of a do-not-
21 resuscitate order in a file described under subsection (1)(a) for a
22 pupil, the board of the school district or intermediate school
23 district that operates the school, the board of directors of the
24 public school academy that operates the school, or the governing
25 body of the nonpublic school that operates the school shall ensure
26 that timely and appropriate training regarding compliance with the
27 do-not-resuscitate order is provided to each teacher or other
28 school employee who provides services to the pupil, according to
29 his or her level of responsibility.



(4) All of the following apply:

(a) A school administrator, teacher, or other school employee who calls 9-1-1 in an emergency that threatens the life or health of a pupil described under subsection (1) is not liable in a criminal action or for civil damages as a result of that act.

(b) A school administrator, teacher, or other school employee is not subject to civil or criminal liability as provided under sections 12 and 13 of the Michigan do-not-resuscitate procedure act, 1996 PA 193, MCL 333.1062 and 333.1063.

(c) A school administrator, teacher, or other school employee, who in good faith in accordance with his or her knowledge and ability administers or attempts to administer a comfort care measure to a pupil, or in good faith in accordance with his or her knowledge and ability acts or attempts to act in compliance with a do-not-resuscitate order, in an emergency that threatens the life or health of the pupil is not liable in a criminal action or for civil damages as a result of an act or omission in the administration or attempted administration of the comfort care measure or as a result of an act or omission in acting or attempting to act in compliance with the do-not-resuscitate order, except for an act or omission amounting to gross negligence or willful or wanton misconduct.

(d) This subsection does not eliminate, limit, or reduce any other immunity or defense that a person described under subdivision (a), (b), or (c) may have under other state law.

(5) An individual shall comply with section 11(3) of the Michigan do-not-resuscitate procedure act, 1996 PA 193, MCL 333.1061.

(6) A school district, intermediate school district, public



1 school academy, nonpublic school, member of a school board, or
2 director or officer of a public school academy or nonpublic school
3 is not liable for damages in a civil action for injury, death, or
4 loss to an individual or property allegedly arising from an
5 individual acting under this section. This subsection does not
6 eliminate, limit, or reduce any other immunity or defense that a
7 person described under this subsection may have under other state
8 law.

9 (7) This section does not create a right to an individualized
10 education program.

11 (8) As used in this section:

12 (a) "Actual notice" means that term as defined in section 2 of
13 the Michigan do-not-resuscitate procedure act, 1996 PA 193, MCL
14 333.1052.

15 (b) "Comfort care measure" means a treatment designed by the
16 physician issuing a do-not-resuscitate order for a pupil to ensure
17 the pupil's mental and physical comfort in circumstances in which
18 resuscitation is not attempted. Comfort care measure does not
19 include the routine provision of medications, treatment, or
20 procedures.

21 (c) "Do-not-resuscitate order" or "order" means that term as
22 defined in section 2 of the Michigan do-not-resuscitate procedure
23 act, 1996 PA 193, MCL 333.1052.

24 (d) "Individualized education program" means that term as
25 defined in section 1704.

26 Sec. 1181. (1) The administrator of a public or nonpublic
27 school, or his or her designee, who receives a copy of a POST form
28 from a parent or legal guardian of a pupil enrolled in the school
29 shall ensure that all of the following are met:



1 (a) The copy of the POST form must be placed in a file created
2 specifically for a copy of a POST form or the revocation of a POST
3 form, in a manner and location to be determined by the
4 administrator of the public or nonpublic school, regardless of
5 whether the form pertains to a pupil with an individualized
6 education program.

7 (b) If the administrator, or his or her designee, received a
8 copy of a POST form for a pupil during the immediately preceding
9 school year, the administrator, or his or her designee, inquires of
10 the pupil's parent or legal guardian at the beginning of the school
11 year to determine if the POST form is still in effect and requests
12 an updated copy of the form, if applicable.

13 (c) The administrator, or his or her designee, provides actual
14 notice of the POST form described in this subsection to each
15 teacher or other school employee who provides instructional or
16 noninstructional services directly to the pupil.

17 (2) The administrator of a public or nonpublic school, or his
18 or her designee, who receives actual notice that a POST form
19 described in subsection (1) has been revoked shall immediately
20 place the revocation in the file described under subsection (1)(a)
21 and shall provide actual notice of the revocation to each teacher
22 or other school employee who provides instructional or
23 noninstructional services directly to the pupil, regardless of
24 whether the revocation pertains to a pupil with an individualized
25 education program.

26 (3) If a public or nonpublic school has a copy of a POST form
27 in a file described under subsection (1)(a) for a pupil, the board
28 of the school district or intermediate school district that
29 operates the school, the board of directors of the public school



1 academy that operates the school, or the governing body of the
2 nonpublic school that operates the school shall ensure that timely
3 and appropriate training regarding compliance with the POST form is
4 provided to each teacher or other school employee who provides
5 services to the pupil, according to his or her level of
6 responsibility.

7 (4) All of the following apply:

8 (a) A school administrator, teacher, or other school employee
9 who calls 9-1-1 in an emergency that threatens the life or health
10 of a pupil described under subsection (1) is not liable in a
11 criminal action or for civil damages as a result of that act.

12 (b) A school administrator, teacher, or other school employee,
13 who in good faith in accordance with his or her knowledge and
14 ability provides or attempts to provide medical care to a pupil
15 consistent with the pupil's POST form in an emergency that
16 threatens the life or health of the pupil, is not liable in a
17 criminal action or for civil damages as a result of an act or
18 omission in providing or attempting to provide the medical care,
19 except for an act or omission amounting to gross negligence or
20 willful or wanton misconduct.

21 (c) This subsection does not eliminate, limit, or reduce any
22 other immunity or defense that a person described under subdivision
23 (a) or (b) may have under other state law.

24 (5) A school district, intermediate school district, public
25 school academy, nonpublic school, member of a school board, or
26 director or officer of a public school academy or nonpublic school
27 is not liable for damages in a civil action for injury, death, or
28 loss to an individual or property allegedly arising from an
29 individual acting under this section. This subsection does not



1 eliminate, limit, or reduce any other immunity or defense that a
2 person described under this subsection may have under other state
3 law.

4 (6) This section must not be construed to create a right to an
5 individualized education program.

6 (7) As used in this section:

7 (a) "Actual notice" means that term as defined in section 5672
8 of the public health code, 1978 PA 368, MCL 333.5672.

9 (b) "Individualized education program" means that term as
10 defined in section 1704.

11 (c) "POST form" means that term as defined in section 5674 of
12 the public health code, 1978 PA 368, MCL 333.5674.

13 Enacting section 1. This amendatory act takes effect 90 days
14 after the date it is enacted into law.

15 Enacting section 2. This amendatory act does not take effect
16 unless House Bill No. 5417 of the 100th Legislature is enacted into
17 law.

