

# HOUSE BILL NO. 5363

January 21, 2020, Introduced by Reps. Yancey, Coleman, Garza, Hood, Pohutsky, Gay-Dagnogo, Whitsett, Kennedy, Rabhi, Ellison, Sneller, Tate, Bolden, Anthony, Manoogian, Cherry, Hope, Kupp, Brixie, Sowerby, Clemente, Sabo, Brenda Carter, Lasinski, Hammoud, Peterson, Tyrone Carter, Wittenberg, Warren, Jones and Love and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
by amending section 9206 (MCL 333.9206), as amended by 1996 PA 540.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 9206. (1) The health care provider administering an  
2 immunizing agent to a child shall present the person accompanying  
3 the child with a written certificate of immunization, or make an  
4 entry of the immunization on a certificate in the person's  
5 possession. The certificate ~~shall~~**must** be in a form prescribed by



1 the department and ~~shall~~**must** indicate the diseases or infections  
2 for which the child has been immunized, the number of doses given,  
3 the dates when administered, and whether further immunizations are  
4 indicated. **Beginning January 1, 2021, the certificate must also**  
5 **have a space to indicate whether the minor has been screened for**  
6 **lead poisoning.**

7 (2) Before administering an immunizing agent to a child, a  
8 health care provider shall notify the parent, guardian, or person  
9 in loco parentis of the child, on a form provided by the  
10 department, of the right to object to the reporting requirement ~~of~~  
11 **described in** subsection (3).

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

22 (4) A health care provider who complies or fails to comply in  
23 good faith with subsection (3) is not liable in a civil action for  
24 damages as a result of an act or omission during the compliance,  
25 except an act or omission constituting gross negligence or willful  
26 and wanton misconduct.

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

29 Enacting section 1. This amendatory act does not take effect



- 1 unless Senate Bill No. \_\_\_\_\_ or House Bill No. 5365 (request no.
- 2 03469'19 \*) of the 100th Legislature is enacted into law.

