

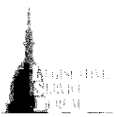
HOUSE BILL NO. 5418

January 28, 2020, Introduced by Reps. Warren, Rendon, Lasinski, LaGrand, Brenda Carter, Kennedy, Koleszar, Kuppa, Filler, Miller, Howell, LaFave and Berman and referred to the Committee on Judiciary.

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



1 333.1053b, from a parent or legal guardian of a pupil shall ensure
2 that all of the following are met:

3 (a) The do-not-resuscitate order must be placed in a file
4 created specifically for a do-not-resuscitate order or the
5 revocation of a do-not-resuscitate order in a manner and location
6 to be determined by the administrator of the public or nonpublic
7 school, regardless of whether the order pertains to a pupil with an
8 individualized education program.

9 (b) If the administrator, or his or her designee, received a
10 do-not-resuscitate order for a pupil during the immediately
11 preceding school year, the administrator, or his or her designee,
12 shall inquire of the pupil's parent or legal guardian at the
13 beginning of the school year to determine if the order is still in
14 effect.

15 (c) The administrator, or his or her designee, shall provide
16 notice of the do-not-resuscitate order described in this subsection
17 to each teacher or other school employee who provides instructional
18 or noninstructional services directly to the pupil.

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

25 (3) A school administrator, teacher, or other school employee
26 designated by the school administrator, who in good faith
27 administers a comfort care measure to a pupil, or refuses to
28 perform resuscitation on a pupil in compliance with a do-not-
29 resuscitate order, in an emergency that threatens the life or



1 health of the pupil is not liable in a criminal action or for civil
2 damages as a result of an act or omission in the administration of
3 the comfort care measure, or the refusal to perform resuscitation,
4 except for an act or omission amounting to gross negligence or
5 willful and wanton misconduct.

6 (4) An individual shall comply with section 11(3) of the
7 Michigan do-not-resuscitate procedure act, 1996 PA 193, MCL
8 333.1061.

9 (5) A school district, intermediate school district, public
10 school academy, nonpublic school, member of a school board, or
11 director or officer of a public school academy or nonpublic school
12 is not liable for damages in a civil action for injury, death, or
13 loss to an individual or property allegedly arising from an
14 individual acting under this section.

15 (6) This section does not create a right to an individualized
16 education program.

17 (7) As used in this section:

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

24 (b) "Do-not-resuscitate order" or "order" means that term as
25 defined in section 2 of the Michigan do-not-resuscitate procedure
26 act, 1996 PA 193, MCL 333.1052.

27 (c) "Individualized education program" means that term as
28 defined in section 1704.

29 Sec. 1181. (1) The administrator of a public or nonpublic

1 school, or his or her designee, who receives a copy of a POST form
2 from a parent or legal guardian of a pupil shall ensure that all of
3 the following are met:

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

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

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

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

28 (3) A school administrator, teacher, or other school employee
29 designated by the school administrator, who in good faith provides



1 medical treatment to a pupil that is consistent with the pupil's
2 POST form in an emergency that threatens the life or health of the
3 pupil, is not liable in a criminal action or for civil damages as a
4 result of an act or omission in the provision of the medical
5 treatment except for an act or omission amounting to gross
6 negligence or willful and wanton misconduct.

7 (4) A school district, intermediate school district, public
8 school academy, nonpublic school, member of a school board, or
9 director or officer of a public school academy or nonpublic school
10 is not liable for damages in a civil action for injury, death, or
11 loss to an individual or property allegedly arising from an
12 individual acting under this section.

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

15 (6) As used in this section:

16 (a) "Individualized education program" means that term as
17 defined in section 1704.

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

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

22 Enacting section 2. This amendatory act does not take effect
23 unless Senate Bill No.____ or House Bill No.____ (request no.
24 01185'19) of the 100th Legislature is enacted into law.

