

HOUSE BILL NO. 4307

March 27, 2025, Introduced by Reps. DeBoer and VanderWall and referred to Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 5139 (MCL 333.5139), as added by 2012 PA 354.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5139. (1) A physician or an optometrist has no
2 affirmative obligation to but may voluntarily report to the
3 secretary of state or warn third parties regarding a patient's
4 mental and physical qualifications to operate a motor vehicle in a
5 manner as not to jeopardize the safety of persons and property due

1 to an episode. A physician or an optometrist who chooses not to
 2 make a report to the secretary of state or warn third parties as
 3 provided for under this subsection is immune from any criminal or
 4 civil liability to the patient or third party that may have been
 5 injured by the patient's actions.

6 (2) A physician or an optometrist may make a report under this
 7 section and submit that report to the secretary of state for the
 8 purpose of initiating or contributing to an examination of an
 9 applicant's physical and mental qualifications to operate a motor
 10 vehicle in a manner as not to jeopardize the safety of persons and
 11 property ~~pursuant to section~~ **under sections 309 and 309a** of the
 12 Michigan vehicle code, 1949 PA 300, MCL 257.309 **and 257.309a**. In
 13 making that report, the physician or optometrist shall recommend a
 14 period of suspension as determined appropriate by the physician or
 15 optometrist as follows:

16 (a) ~~In~~ **Except as otherwise provided in this subdivision, in**
 17 the case of a patient holding an operator's license, that the
 18 suspension be for at least 6 months or longer. **If a patient has**
 19 **experienced an epileptic seizure, a physician may submit a report**
 20 **recommending a period of suspension as described in section 309a(2)**
 21 **or (3) of the Michigan vehicle code, 1949 PA 300, MCL 257.309a.**

22 (b) In the case of a patient holding a commercial license,
 23 that the suspension be for at least 12 months or longer.

24 (3) A physician or an optometrist making a report under
 25 subsection (2), acting in good faith and exercising due care as
 26 evidenced by documenting ~~his or her~~ **the physician's or**
 27 **optometrist's** file or medical record regarding an episode, is
 28 immune from any civil or criminal liability resulting from the
 29 report to the patient or a third party that may have been injured

1 by the patient's actions.

2 (4) As used in this section:

3 (a) "Episode" means any of the following:

4 (i) An experience derived from a condition that causes or
5 contributes to loss of consciousness, blackout, seizure, a fainting
6 spell, syncope, or any other impairment of the level of
7 consciousness.

8 (ii) An experience derived from a condition that causes an
9 impairment of an individual's driving judgment.

10 (iii) An experience derived from an impairment of an
11 individual's vision.

12 (b) "Optometrist" means that term as defined ~~under part 174.~~**in**
13 **section 17401.**

14 (c) "Physician" means that term as defined ~~under part 170 or~~
15 ~~175.~~**in section 17001 or 17501.**

16 Enacting section 1. This amendatory act does not take effect
17 unless House Bill No. 4306 (request no. H01772'25) of the 103rd
18 Legislature is enacted into law.