

**PUBLIC HEALTH CODE (EXCERPT)**

**Act 368 of 1978**

**PART 11**

**SHORT TITLE, GENERAL DEFINITIONS, AND CONSTRUCTION**

**333.1101 Short title.**

Sec. 1101. This act shall be known and may be cited as the "public health code".

**History:** 1978, Act 368, Eff. Sept. 30, 1978.

**Compiler's note:** For transfer of powers and duties of licensing of substance abuse programs and certification of substance abuse workers in the division of program standards, evaluation, and data services of the center for substance abuse services, from the department of public health to the director of the department of commerce, see E.R.O. No. 1996-1, compiled at MCL 330.3101 of the Michigan Compiled Laws.

**Popular name:** Act 368

**333.1103 Meanings of words and phrases.**

Sec. 1103. For purposes of this code, the words and phrases defined in sections 1104 to 1108 have the meanings ascribed to them in those sections. These definitions, unless the context requires otherwise, apply to use of the defined terms in this code. Other definitions applicable to specific articles, parts, or sections of the code are found in those articles, parts, or sections.

**History:** 1978, Act 368, Eff. Sept. 30, 1978.

**Popular name:** Act 368

**333.1104 Definitions; A to G.**

Sec. 1104. (1) "Acknowledgment of parentage" means an acknowledgment executed as provided in the acknowledgment of parentage act, 1996 PA 305, MCL 722.1001 to 722.1013.

(2) "Administrative procedures act of 1969" means the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, or a successor act.

(3) "Adult" means an individual 18 years of age or older.

(4) "Code" means this act.

(5) "Department", except as provided in articles 8, 15, and 17, means the department of health and human services.

(6) "Director", except as provided in articles 8, 15, and 17, means the director of health and human services.

(7) "Governmental entity" means a government, governmental subdivision or agency, or public corporation.

**History:** 1978, Act 368, Eff. Sept. 30, 1978;—Am. 1996, Act 307, Eff. June 1, 1997;—Am. 2013, Act 268, Imd. Eff. Dec. 30, 2013;—Am. 2015, Act 155, Eff. Jan. 18, 2016.

**Popular name:** Act 368

**333.1105 Definitions; I to M.**

Sec. 1105. (1) "Individual" means a natural person.

(2) "Local health department" means:

(a) A county health department of a single county provided pursuant to section 2413 and its board of health, if any.

(b) A district health department created pursuant to section 2415 and its board of health.

(c) A city health department created pursuant to section 2421 and its board of health, if any.

(d) Any other local agency approved by the department under part 24.

(3) "Local health officer" means the individual in charge of a local health department or his or her authorized representative.

(4) "Magistrate" means a judge authorized to issue warrants by the laws of this state.

(5) "Minor" means an individual under 18 years of age.

**History:** 1978, Act 368, Eff. Sept. 30, 1978.

**Popular name:** Act 368

**333.1106 Definitions.**

Sec. 1106. (1) "Opioid antagonist" means naloxone hydrochloride or any other similarly acting and equally safe drug approved by the federal food and drug administration for the treatment of drug overdose.

(2) "Opioid-related overdose" means a condition, including, but not limited to, extreme physical illness,

decreased level of consciousness, respiratory depression, coma, or death, that results from the consumption or use of an opioid or another substance with which an opioid was combined or that a layperson would reasonably believe to be an opioid-related overdose that requires medical assistance.

(3) "Parentage registry" means the department's compilation of data concerning children's parentage, which data the department receives from any source, including, but not limited to, a copy of an order of filiation from the circuit court or an acknowledgment of paternity or parentage under this act, under section 2114 of the estates and protected individuals code, 1998 PA 386, MCL 700.2114, or under the acknowledgment of parentage act, 1996 PA 305, MCL 722.1001 to 722.1013.

(4) "Person" means an individual, partnership, cooperative, association, private corporation, personal representative, receiver, trustee, assignee, or other legal entity. Person does not include a governmental entity unless specifically provided.

**History:** 1978, Act 368, Eff. Sept. 30, 1978;—Am. 1996, Act 307, Imd. Eff. June 20, 1996;—Am. 2000, Act 58, Eff. Apr. 1, 2000;—Am. 2014, Act 311, Imd. Eff. Oct. 14, 2014.

**Popular name:** Act 368

### **333.1108 Definitions; R, S.**

Sec. 1108. (1) "Rule" means a rule promulgated pursuant to the administrative procedures act of 1969.

(2) "State" means a state, district, territory, commonwealth, or insular possession of the United States or any area subject to the lawful authority of the United States.

**History:** 1978, Act 368, Eff. Sept. 30, 1978.

**Popular name:** Act 368

### **333.1111 Intent and construction of code.**

Sec. 1111. (1) This code is intended to be consistent with applicable federal and state law and shall be construed, when necessary, to achieve that consistency.

(2) This code shall be liberally construed for the protection of the health, safety, and welfare of the people of this state.

**History:** 1978, Act 368, Eff. Sept. 30, 1978.

**Popular name:** Act 368

### **333.1113 Headings or titles of code.**

Sec. 1113. A heading or title of an article or part of this code shall not be considered as a part of this code or be used to construe the code more broadly or narrowly than the text of the code sections would indicate, but shall be considered as inserted for convenience to users of this code.

**History:** 1978, Act 368, Eff. Sept. 30, 1978.

**Popular name:** Act 368

### **333.1114 Prohibited construction of code.**

Sec. 1114. (1) This code shall not be construed to vest authority in the department for programs or activities otherwise delegated by state or federal law or rules to another department of state government.

(2) This code shall not be construed to divest or reduce authority or responsibility for mental health services or responsibilities vested in state or local mental health agencies by Act No. 258 of the Public Acts of 1974, as amended, being sections 330.1001 to 330.2106 of the Michigan Compiled Laws, or rules promulgated pursuant to that act.

**History:** 1978, Act 368, Eff. Sept. 30, 1978.

**Popular name:** Act 368

### **333.1115 Controlling provisions.**

Sec. 1115. A state statute, a rule of the department, or an applicable local health department regulation shall control over a less stringent or inconsistent provision enacted by a local governmental entity for the protection of public health.

**History:** 1978, Act 368, Eff. Sept. 30, 1978.

**Popular name:** Act 368

### **333.1117 References to repealed or rescinded provisions.**

Sec. 1117. If a provision of a statute referred to in this code or in a rule authorized or recognized by this code is repealed, or if a provision of a rule authorized or recognized by this code is rescinded, and the provision is substantially reenacted or repromulgated, a reference in this code or the rule to the repealed or

rescinded provision is considered a reference to the reenacted or repromulgated provision.

**History:** 1978, Act 368, Eff. Sept. 30, 1978.

**Popular name:** Act 368