

## VACCINATION WAIVERS

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<http://www.house.mi.gov/hfa>

**House Bill 4425 as introduced**  
**Sponsor: Rep. Tom Barrett**

Analysis available at  
<http://www.legislature.mi.gov>

**House Bill 4426 as introduced**  
**Sponsor: Rep. Jeffrey R. Noble**

**Committee: Education Reform**  
**Complete to 5-23-17**

### BRIEF SUMMARY:

House Bill 4425 would amend the Public Health Code (MCL 333.5111, 333.9215, and 333.9227) to ease the process of obtaining a waiver from vaccinations for school children. As described in greater detail below, Michigan's immunization rules include exemptions for medical, religious, and philosophical reasons. Recent changes to those rules require education about the risks of opting out of immunizations before a parent can obtain a waiver for nonmedical reasons. The bill would remove that requirement and limit the ability of the Michigan Department of Health and Human Services (MDHHS) to promulgate rules regarding immunization.

House Bill 4426 would make corresponding changes to the Revised School Code (MCL 380.1177).

### DETAILED SUMMARY:

First, House Bill 4425 would *rescind R 325.175 of the Michigan Administrative Code*. That rule lays out the procedures for physicians and schools for control of diseases and infections. Specifically, it requires a physician or other person who attends to a case of communicable disease to arrange for appropriate barrier protections, treatment, or isolation, as necessary, to prevent the spread of the infection (some measures may also be taken in case of suspected disease). It also allows the physician or other person to obtain information on precautionary measures from the local health officer or MDHHS.

Currently, Section 5111 of the Public Health Code allows the MDHHS to maintain a list that designates communicable and noncommunicable diseases, infections, and disabilities, and to promulgate rules for reporting, investigating, and preventing these diseases, among other things. House Bill 4425 would essentially *prohibit MDHHS from promulgating a rule that allow health officers to keep unvaccinated children from attending school if a classmate has or is reasonably suspected of having a communicable disease*.

In other words, the situation would arise if a local health official confirms or reasonably suspects that an individual at a school or group program has a communicable disease. In that situation, under the bill, MDHHS does not have the authority to make or enforce a rule

that would allow the official to exclude individuals without immunization records (or who are otherwise considered susceptible to the communicable disease), as a disease control measure that is not in the case of an epidemic.

Under the Public Health Code, MDHHS must promulgate rules about immunizations, including the ages and doses at which the immunizations must be administered. It also includes the three allowable exemptions from immunization for medical, religious, or philosophical reasons. The bill would *prohibit MDHHS from imposing different or additional requirements in order to receive a vaccination waiver*, other than those in Section 9215 of the Code (namely, certification from a physician for a medical waiver, or a written statement from a parent for a religious or philosophical waiver).

It would also provide that, if MDHHS provides information to the public about immunizations, it must *include information about the effectiveness and potential risks of immunization*.

**House Bill 4426** would incorporate the changes to Section 9215 of the Public Health Code changes into the Revised School Code. As described above, MDHHS would not be allowed to impose different or additional requirements on children in kindergarten and seventh grade who do not receive immunizations and, if MDHHS provides information on the exemptions, it must include information about the effectiveness and potential risks of immunizations.

House Bills 4425 and 4426 are tie-barred together, meaning that neither could take effect unless the other is also enacted. The bills would take effect 90 days after enactment.

## **BACKGROUND INFORMATION:**

The MDHHS website includes the following statement:<sup>1</sup>

"Children need vaccines to protect them from 14 serious, even life-threatening diseases. Immunizations offer safe and effective protection from vaccine preventable diseases. To prevent outbreaks from occurring in schools and places where children congregate, a high percentage of children must be immunized."

Beginning in 1978, Michigan students entering kindergarten or a new school district involving grades 1-12 were required to possess a certificate of immunization at the time of registration or not later than the first day of school. Parents may opt their children out of this immunization requirement if a vaccine is contraindicated for valid medical reasons (for example, if the child is receiving chemotherapy), or if the parent holds religious or philosophical beliefs which preclude receipt of a vaccination. An average of 74.26% of waivers over the past 10 years have been philosophical waivers.

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<sup>1</sup> Michigan Department of Health & Human Services, *Immunization Status of School Children in Michigan, 2016*; [http://www.michigan.gov/documents/mdch/School\\_Summary\\_2014\\_483316\\_7.pdf](http://www.michigan.gov/documents/mdch/School_Summary_2014_483316_7.pdf)

In December 2014, the Joint Committee on Administrative Rules approved a new requirement that Michigan parents opting their child out of vaccination for nonmedical reasons must receive education regarding the benefits of vaccination and the risks of disease from a county health department before obtaining the waiver form.

During the 2014-2015 school year, Michigan had the sixth highest waiver rate for kindergartners compared to other U.S. states.<sup>2</sup> Following the 2014 educational requirement described above, the waiver rate decreased from 4.8% of kindergartners to 3.1% in 2015, before rising slightly to 3.2% in 2016.

### **FISCAL IMPACT:**

House Bill 4425 has negligible fiscal implications for the Department of Health and Human Services related to notifying local health officers of the rescinding of Rule 325.175 of the Michigan Administrative Code, and including certain information when providing information to the public on exemption from immunization.

House Bill 4426 would have no fiscal impact for the Department of Education or for local school districts, intermediate school districts (ISDs), or public school academies (PSAs).

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.

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<sup>2</sup> Centers for Disease Control and Prevention; *Vaccination Coverage Among Children in Kindergarten—United States, 2014-2015 School Year*; <https://www.cdc.gov/mmwr/preview/mmwrhtml/mm6433a2.htm>