SENATE BILL NO. 600

July 27, 2021, Introduced by Senators THEIS, BARRETT, NESBITT, MACDONALD, RUNESTAD, BUMSTEAD, VICTORY, BIZON, DALEY, OUTMAN, LAUWERS and VANDERWALL and referred to the Committee on Education and Career Readiness.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending section 1177 (MCL 380.1177), as amended by 2013 PA 121, and by adding section 1177b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 1177. (1) A child enrolling in a public or nonpublic school for the first time or, beginning in the 2014-2015 school year, enrolling in grade 7 for the first time shall submit 1 of the following:
(a) A statement signed by a physician that the child has been tested for and immunized or protected against diseases specified by the director of the department of community health and human services.

(b) A statement signed by a parent or guardian to the effect that the child has not been immunized because of religious convictions or other objection to immunization.

(c) A statement signed by a physician that certifies that the child is in the process of complying with all immunization requirements.

(2) In addition, the parent or guardian of each child enrolling in kindergarten for the first time shall submit a statement signed by a district, county, or city health department director stating that the child has been administered the department of community health and human services preschool vision screening test, or signed by a licensed medical or osteopathic physician or a licensed optometrist stating that the child's eyes have been examined during the preschool years after age 3 and before initial entrance. A vision test is not required if there is a statement signed by a parent or guardian to the effect that the child cannot be submitted to the test because of religious convictions.

(3) Not later than November 1 of each year, the administrator of each school shall provide the director of the department of community health and human services with the immunization status of each pupil in grades K through to 12 who enrolled in the school for the first time, or, beginning in the 2014-2015 school year, enrolled in grade 7 in the school for the first time, between the immediately preceding January 1 and the immediately preceding
September 30, as well as a vision report of each child entering kindergarten during that time period. This information shall or must be transmitted through the approved local full-time health department, if available, and shall or must be on forms provided by the director of community health and human services or otherwise reported in a manner approved by the director of the department of community health and human services. Not later than February 1 of each year, the administrator of each school shall provide an update to the report due the previous November 1 to show the immunization status of each pupil in grades K through 12 who enrolled in the school for the first time beginning in the 2014-2015 school year, enrolled in grade 7 in the school for the first time, during the calendar year ending the immediately preceding December 31. This information shall or must be transmitted in the same manner as the report due the previous November 1.

(4) The department of community health and human services shall promulgate rules under part 92 of the public health code, 1978 PA 368, MCL 333.9201 to 333.9229, including rules identifying the diseases specified under subsection (1)(a), for the implementation of this section.

Sec. 1177b. (1) A school district, intermediate school district, or public school academy shall not adopt or implement a policy that requires that a pupil enrolled in the school district, intermediate school district, or public school academy receive an EUA vaccination to do any of the following:

(a) Enter or attend a school operated by the school district, intermediate school district, or public school academy.

(b) Ride a school bus or other school-related vehicle.
(c) Participate in or attend a school-sponsored activity or event, whether or not it is held on school premises. A school-sponsored activity or event described in this subdivision includes, but is not limited to, participation in or attendance at school-sponsored sports, band, theater, educational trips, or other extracurricular activities.

(2) A school district, intermediate school district, or public school academy shall not discriminate against or treat differently a pupil solely based on whether or not the pupil has received an EUA vaccination. Discrimination under this subsection includes, but is not limited to, the following conduct:

(a) Implementing segregated seating based solely on whether or not a pupil has received an EUA vaccination.

(b) Requiring that a pupil wear a face mask solely based on whether or not the pupil has received an EUA vaccination.

(c) Requiring that a pupil or any member of the pupil's family pay a different fee for admission to a school-sponsored activity or event, whether or not it is held on school premises, solely based on whether or not the pupil has received an EUA vaccination. A school-sponsored activity or event described in this subdivision includes, but is not limited to, participation in or attendance at school-sponsored sports, band, theater, educational trips, or other extracurricular activities.

(d) The implementation of a policy that prohibits a pupil from participating in school-sponsored interscholastic athletic activities, including certain teams within a school-sponsored interscholastic athletic activity, solely based on whether or not the pupil has received an EUA vaccination.

(3) A school district, intermediate school district, or public
school academy shall not require that an individual receive an EUA vaccination to attend a meeting of the board.

(4) As used in this section:
(a) "Board" means the board of a school district, an intermediate school board, or the board of directors of a public school academy.
(b) "EUA vaccination" means a vaccine authorized by the United States Food and Drug Administration solely for emergency use.
(c) "Face mask" means a tightly woven cloth or other multilayer absorbent material that closely covers an individual's mouth and nose.

Enacting section 1. This amendatory act does not take effect unless Senate Bill No. 602 of the 101st Legislature is enacted into law.