

**SUBSTITUTE FOR
HOUSE BILL NO. 4288**

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 5101 and 5111 (MCL 333.5101 and 333.5111),
as amended by 1994 PA 200.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5101. (1) As used in this article:

2 (A) "ACCREDITED VETERINARIAN" MEANS THAT TERM AS DEFINED IN
3 SECTION 1 OF 1994 PA 358, MCL 287.891.

4 (B) "ANIMAL CONTROL OFFICER" MEANS A COUNTY ANIMAL CONTROL
5 OFFICER AS DESCRIBED IN SECTIONS 29A AND 29B OF THE DOG LAW OF
6 1919, 1919 PA 339, MCL 287.289A AND 287.289B, OR A CITY, VILLAGE,
7 OR TOWNSHIP ANIMAL CONTROL OFFICER AS DESCRIBED IN SECTION 29C OF
8 THE DOG LAW OF 1919, 1919 PA 339, MCL 287.289C.

HB4288, As Passed House, April 17, 2002

House Bill No. 4288

2

1 (C) ~~(a)~~ "Care" includes treatment, control,
2 transportation, confinement, and isolation in a facility or other
3 location.

4 (D) ~~(b)~~ "Communicable disease" means an illness due to a
5 specific infectious agent or its toxic products that results from
6 transmission of that infectious agent or its products from a res-
7 ervoir to a susceptible host, directly as from an infected indi-
8 vidual or animal, or indirectly through the agency of an interme-
9 diate plant or animal host, vector, or the inanimate
10 environment.

11 (E) ~~(c)~~ "HIV" means human immunodeficiency virus.

12 (F) ~~(d)~~ "HIV infection" or "HIV infected" means the status
13 of an individual who has tested positive for HIV, as evidenced by
14 either a double positive enzyme-linked immunosorbent assay test,
15 combined with a positive western blot assay test, or a positive
16 result under an HIV test that is considered reliable by the fed-
17 eral centers for disease control and is approved by the
18 department.

19 (G) ~~(e)~~ "Immunization" means the process of increasing an
20 individual's immunity to a disease by use of a vaccine, antibody
21 preparation, or other substance.

22 (H) ~~(f)~~ "Infection" means the invasion of the body with
23 microorganisms or parasites, whether or not the invasion results
24 in detectable pathologic effects.

25 (I) ~~(g)~~ "Serious communicable disease or infection" means
26 a communicable disease or infection that is designated as serious
27 by the department pursuant to this part. Serious communicable

HB4288, As Passed House, April 17, 2002

House Bill No. 4288

3

1 disease or infection includes, but is not limited to, HIV
2 infection, acquired immunodeficiency syndrome, venereal disease,
3 and tuberculosis.

4 (J) ~~(h)~~ "Venereal disease" means syphilis, gonorrhea,
5 chancroid, lymphogranuloma venereum, granuloma inguinale, and
6 other sexually transmitted diseases ~~which~~ THAT the department
7 DESIGNATES by rule ~~may designate and require~~ AND REQUIRES to be
8 reported.

9 (2) In addition, article 1 contains general definitions and
10 principles of construction applicable to all articles in this
11 code.

12 Sec. 5111. (1) In carrying out its authority under this
13 article, the department may promulgate rules to:

14 (a) Designate and classify communicable, serious communica-
15 ble, chronic, AND other noncommunicable diseases, infections, and
16 disabilities.

17 (b) Establish requirements for reporting and other surveil-
18 lance methods for measuring the occurrence of diseases, infec-
19 tions, and disabilities and the potential for epidemics. Rules
20 promulgated under this subdivision may require a licensed health
21 professional or health facility to submit to the department or a
22 local health department, on a form provided by the department, a
23 report of the occurrence of a communicable disease, serious com-
24 municable disease or infection, or disability. The rules promul-
25 gated under this subdivision may require a report to be submitted
26 to the department not more than 24 hours after a licensed health

HB4288, As Passed House, April 17, 2002

House Bill No. 4288

4

1 professional or health facility determines that an individual has
2 a serious communicable disease or infection.

3 (c) Investigate cases, epidemics, and unusual occurrences of
4 diseases, infections, and situations with a potential for causing
5 diseases.

6 (d) Establish procedures for control of diseases and infec-
7 tions, including, but not limited to, immunization and environ-
8 mental controls.

9 (e) Establish procedures for the prevention, detection, and
10 treatment of disabilities and rehabilitation of individuals suf-
11 fering from disabilities or disease, including nutritional
12 problems.

13 (f) Establish procedures for control of rabies and the dis-
14 position of nonhuman agents carrying disease, including rabid
15 animals, SUBJECT TO SUBSECTION (3).

16 (g) Establish procedures for the reporting of known or sus-
17 pected cases of lead poisoning or undue lead body burden.

18 (h) Designate communicable diseases or serious communicable
19 diseases or infections for which local health departments are
20 required to furnish care including, but not limited to, tubercu-
21 losis and venereal disease.

22 (i) Implement this part and parts 52 and 53 including, but
23 not limited to, rules for the discovery, care, and reporting of
24 an individual having or suspected of having a communicable dis-
25 ease or a serious communicable disease or infection, and to
26 establish approved tests under section ~~5125~~ 5123 and approved
27 prophylaxes under section ~~5127~~ 5125.

HB4288, As Passed House, April 17, 2002

House Bill No. 4288

5

1 (2) The department shall promulgate rules to provide for the
2 confidentiality of reports, records, and data pertaining to test-
3 ing, care, treatment, reporting, and research associated with
4 communicable diseases and serious communicable diseases or
5 infections. The rules shall specify the communicable diseases
6 and serious communicable diseases or infections covered under the
7 rules and shall include, but are not limited to, hepatitis B,
8 venereal disease, and tuberculosis. The rules shall not apply to
9 the serious communicable diseases or infections of HIV infection,
10 or acquired immunodeficiency syndrome. ~~The department shall~~
11 ~~submit the rules for public hearing under the administrative pro-~~
12 ~~cedures act of 1969 by November 20, 1989.~~

13 (3) IF A LOCAL HEALTH OFFICER, LOCAL HEALTH MEDICAL DIREC-
14 TOR, OR ANIMAL CONTROL OFFICER SUBSTANTIATES THAT AN ANIMAL OTHER
15 THAN LIVESTOCK AS DEFINED IN SECTION 5 OF 1988 PA 466, MCL
16 287.705, HAS BITTEN, SCRATCHED, CAUSED ABRASIONS TO, OR CONTAMI-
17 NATED WITH SALIVA OR OTHER INFECTIOUS MATERIAL AN OPEN WOUND OR
18 MUCUS MEMBRANE OF A HUMAN BEING, THEN THE LOCAL HEALTH OFFICER,
19 LOCAL HEALTH MEDICAL DIRECTOR, OR ANIMAL CONTROL OFFICER MAY
20 ORDER THAT THE ANIMAL BE EUTHANIZED AND ITS BRAIN EXAMINED FOR
21 RABIES BEFORE THE EXPIRATION OF ANY QUARANTINE PERIOD IF AN IMME-
22 DIATE DETERMINATION OF THE RABIES STATUS OF THE ANIMAL IS
23 NEEDED. THE ORDER MAY BE ISSUED IN LIEU OF OBTAINING A COURT
24 ORDER FOR THE ANIMAL'S DESTRUCTION UNLESS IT IS KNOWN THAT THE
25 ANIMAL WAS CURRENTLY VACCINATED FOR RABIES WITH AN APPROVED VAC-
26 CINE AT THE TIME OF THE INCIDENT. BEFORE ISSUING SUCH AN ORDER,
27 THE LOCAL HEALTH OFFICER, LOCAL HEALTH MEDICAL DIRECTOR, OR

HB4288, As Passed House, April 17, 2002

House Bill No. 4288

6

1 ANIMAL CONTROL OFFICER SHALL EXAMINE THE ANIMAL FOR IDENTIFYING
2 INFORMATION FROM A TATTOO OR SUBCUTANEOUS MICROCHIP IF THE
3 ANIMAL'S OWNER IS UNKNOWN AND THE ANIMAL IS A DOG, WOLF-DOG CROSS
4 AS DEFINED IN SECTION 2 OF THE WOLF-DOG CROSS ACT, 2000 PA 246,
5 MCL 287.1002, LARGE CARNIVORE AS DEFINED IN SECTION 2 OF THE
6 LARGE CARNIVORE ACT, 2000 PA 274, MCL 287.1102, DOMESTIC CAT OF
7 THE SPECIES FELIS CATUS, OR FERRET OF THE SPECIES MUSTELA FURO.
8 BEFORE ISSUING SUCH AN ORDER, THE LOCAL HEALTH OFFICER, LOCAL
9 HEALTH MEDICAL DIRECTOR, OR ANIMAL CONTROL OFFICER SHALL CONSULT
10 WITH THE HUMAN BEING'S ATTENDING PHYSICIAN, THE ACCREDITED VETER-
11 INARIAN WHO VACCINATED THE ANIMAL FOR RABIES, IF AVAILABLE, AN
12 ACCREDITED VETERINARIAN OTHER THAN THE ANIMAL'S VETERINARIAN, AND
13 ANY AGENCY THAT HAS QUARANTINED THE ANIMAL. THE ORDER SHALL
14 STATE ALL OF THE FOLLOWING:

15 (i) THE NATURE AND SEVERITY OF THE INJURY.

16 (ii) THE REASON AN IMMEDIATE DETERMINATION OF THE RABIES
17 STATUS OF THE ANIMAL IS NEEDED.

18 (iii) THE SPECIFIC REASONS THE PARTICULAR ANIMAL MAY HAVE
19 RABIES, CONSIDERING THE SPECIES OF THE ANIMAL, THE CIRCUMSTANCES
20 OF THE BITE, THE EPIDEMIOLOGY OF RABIES IN THE AREA, THE ANIMAL'S
21 CURRENT HEALTH STATUS, AND THE POTENTIAL FOR THE ANIMAL'S EXPO-
22 SURE TO RABIES.