

HOUSE BILL No. 4288

February 20, 2001, Introduced by Rep. Jamnick and referred to the Committee on Health Policy.

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) ~~-(a)-~~ "Care" includes treatment, control, transporta-
5 tion, confinement, and isolation in a facility or other
6 location.

7 (C) ~~-(b)-~~ "Communicable disease" means an illness due to a
8 specific infectious agent or its toxic products that results from
9 transmission of that infectious agent or its products from a
10 reservoir to a susceptible host, directly as from an infected

1 individual or animal, or indirectly through the agency of an
2 intermediate plant or animal host, vector, or the inanimate
3 environment.

4 (D) ~~-(c)-~~ "HIV" means human immunodeficiency virus.

5 (E) ~~-(d)-~~ "HIV infection" or "HIV infected" means the status
6 of an individual who has tested positive for HIV, as evidenced by
7 either a double positive enzyme-linked immunosorbent assay test,
8 combined with a positive western blot assay test, or a positive
9 result under an HIV test that is considered reliable by the fed-
10 eral centers for disease control and is approved by the
11 department.

12 (F) ~~-(e)-~~ "Immunization" means the process of increasing an
13 individual's immunity to a disease by use of a vaccine, antibody
14 preparation, or other substance.

15 (G) ~~-(f)-~~ "Infection" means the invasion of the body with
16 microorganisms or parasites, whether or not the invasion results
17 in detectable pathologic effects.

18 (H) ~~-(g)-~~ "Serious communicable disease or infection" means
19 a communicable disease or infection that is designated as serious
20 by the department pursuant to this part. Serious communicable
21 disease or infection includes, but is not limited to, HIV infec-
22 tion, acquired immunodeficiency syndrome, venereal disease, and
23 tuberculosis.

24 (I) ~~-(h)-~~ "Venereal disease" means syphilis, gonorrhea,
25 chancroid, lymphogranuloma venereum, granuloma inguinale, and
26 other sexually transmitted diseases ~~which~~ THAT the department

1 DESIGNATES by rule ~~may designate and require~~ AND REQUIRES to be
2 reported.

3 (2) In addition, article 1 contains general definitions and
4 principles of construction applicable to all articles in this
5 code.

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

8 (a) Designate and classify communicable, serious communica-
9 ble, chronic, AND other noncommunicable diseases, infections, and
10 disabilities.

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

23 (c) Investigate cases, epidemics, and unusual occurrences of
24 diseases, infections, and situations with a potential for causing
25 diseases.

1 (d) Establish procedures for control of diseases and
2 infections, including, but not limited to, immunization and
3 environmental controls.

4 (e) Establish procedures for the prevention, detection, and
5 treatment of disabilities and rehabilitation of individuals suf-
6 fering from disabilities or disease, including nutritional
7 problems.

8 (f) Establish procedures for control of rabies and the dis-
9 position of nonhuman agents carrying disease, including rabid
10 animals. IF A LOCAL HEALTH OFFICER BELIEVES THAT AN ANIMAL HAS
11 BITTEN, SCRATCHED, CAUSED ABRASIONS TO, OR CONTAMINATED WITH
12 SALIVA OR OTHER INFECTIOUS MATERIAL AN OPEN WOUND OR MUCUS MEM-
13 BRANE OF A HUMAN BEING, A LOCAL HEALTH OFFICER MAY ORDER THAT THE
14 ANIMAL BE EUTHANIZED AND ITS BRAIN EXAMINED FOR RABIES BEFORE THE
15 EXPIRATION OF ANY QUARANTINE PERIOD ESTABLISHED BY THE
16 DEPARTMENT. THE LOCAL HEALTH OFFICER SHALL CONSULT WITH AN
17 ACCREDITED VETERINARIAN BEFORE ISSUING SUCH AN ORDER. THE ORDER
18 SHALL STATE THE REASON FOR THE ORDER, SUCH AS THE VACCINATION
19 STATUS OF THE ANIMAL, THE OCCURRENCE OF RABIES IN THE AREA, THE
20 ABSENCE OF PROVOCATION FOR THE INCIDENT, THE SEVERITY OF A WOUND,
21 OR A WOUND'S PROXIMITY TO THE BRAIN.

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

24 (h) Designate communicable diseases or serious communicable
25 diseases or infections for which local health departments are
26 required to furnish care including, but not limited to,
27 tuberculosis and venereal disease.

1 (i) Implement this part and parts 52 and 53 including, but
2 not limited to, rules for the discovery, care, and reporting of
3 an individual having or suspected of having a communicable dis-
4 ease or a serious communicable disease or infection, and to
5 establish approved tests under section ~~5125~~ 5123 and approved
6 prophylaxes under section ~~5127~~ 5125.

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