

# SENATE BILL No. 1416

September 12, 2006, Introduced by Senators HAMMERSTROM, CASSIS, McMANUS, TOY, PATTERSON, BIRKHOLZ, JOHNSON, CHERRY, WHITMER, SCOTT, CLARK-COLEMAN, JACOBS, BRATER, GEORGE and STAMAS and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 9206, 9208, and 9227 (MCL 333.9206, 333.9208, and 333.9227), section 9206 as amended by 1996 PA 540, section 9208 as amended by 2000 PA 90, and section 9227 as amended by 2006 PA 91, and by adding section 9205b.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           SEC. 9205B. BY SEPTEMBER 1, 2007, THE DEPARTMENT SHALL  
2 IDENTIFY MATERIALS THAT CONTAIN INFORMATION REGARDING THE RISKS  
3 ASSOCIATED WITH THE HUMAN PAPILOMAVIRUS AND CERVICAL CANCER AND  
4 THE AVAILABILITY, EFFECTIVENESS, AND POTENTIAL RISKS OF THE HUMAN  
5 PAPILOMAVIRUS VACCINE. THE DEPARTMENT SHALL NOTIFY EACH SCHOOL IN

1 THIS STATE OF THE AVAILABILITY OF THE MATERIALS DESCRIBED IN THIS  
2 SECTION AND SHALL POST THE MATERIALS ON ITS WEBSITE.

3 Sec. 9206. (1) The health care provider administering an  
4 immunizing agent to a child shall present the person accompanying  
5 the child with a written certificate of immunization, or make an  
6 entry of the immunization on a certificate in the person's  
7 possession. **THE HEALTH CARE PROVIDER ADMINISTERING THE HUMAN**  
8 **PAPILLOMAVIRUS VACCINE SHALL PRESENT THE PERSON ACCOMPANYING THE**  
9 **CHILD WITH A WRITTEN STATEMENT OR CERTIFICATE OF THAT IMMUNIZATION**  
10 **OR MAKE AN ENTRY OF THAT IMMUNIZATION ON A CERTIFICATE IN THE**  
11 **PERSON'S POSSESSION.** The **STATEMENT OR** certificate shall be in a  
12 form prescribed by the department and shall indicate the diseases  
13 or infections for which the child has been immunized, the number of  
14 doses given, the dates when administered, and whether further  
15 immunizations are indicated.

16 (2) Before administering an immunizing agent to a child, a  
17 health care provider shall notify the parent, guardian, or person  
18 in loco parentis of the child, on a form provided by the  
19 department, of the right to object to the reporting requirement of  
20 subsection (3).

21 (3) Unless the parent, guardian, or person in loco parentis of  
22 the child who received the immunizing agent objects by written  
23 notice received by the health care provider prior to reporting, a  
24 health care provider shall report to the department each  
25 immunization administered by the health care provider, pursuant to  
26 rules promulgated under section 9227. If the parent, guardian, or  
27 person in loco parentis of the child who was immunized objects to

1 the reporting requirement of this subsection by written notice  
2 received by the health care provider prior to notification, the  
3 health care provider shall not report the immunization.

4 (4) A health care provider who complies or fails to comply in  
5 good faith with subsection (3) is not liable in a civil action for  
6 damages as a result of an act or omission during the compliance,  
7 except an act or omission constituting gross negligence or willful  
8 and wanton misconduct.

9 (5) As used in this section, "health care provider" means a  
10 health professional, health facility, or local health department.

11 Sec. 9208. (1) A parent, guardian, or person in loco parentis  
12 applying to have a child registered for the first time in a school  
13 in this state and, beginning in 2002-2003, a parent, guardian, or  
14 person in loco parentis of a child entering the sixth grade, shall  
15 present to school officials, at the time of registration or not  
16 later than the first day of school, a certificate of immunization  
17 or statement of exemption under section 9215.

18 (2) A teacher or principal shall not permit a child to enter  
19 or attend school unless a certificate indicating that a minimum of  
20 1 dose of an immunizing agent against each of the diseases  
21 specified by the department has been received and certified to by a  
22 health professional or local health department. A parent, guardian,  
23 or person in loco parentis having a child registered with only  
24 these minimum doses of immunizing agents shall present an updated  
25 certificate of immunization within 4 months after initial  
26 attendance showing that the immunizations have been completed as  
27 prescribed by the department.

1           (3) BEGINNING WITH THE 2008 SCHOOL YEAR, THE PARENT, GUARDIAN,  
2 OR PERSON IN LOCO PARENTIS OF A FEMALE CHILD ENROLLING IN GRADE 6  
3 FOR THE FIRST TIME IN A PUBLIC OR NONPUBLIC SCHOOL SHALL SUBMIT TO  
4 SCHOOL OFFICIALS 1 OF THE FOLLOWING:

5           (A) A STATEMENT SIGNED BY A PHYSICIAN THAT THE CHILD HAS  
6 RECEIVED THE HUMAN PAPILOMAVIRUS VACCINE.

7           (B) A STATEMENT SIGNED BY THE CHILD'S PARENT, GUARDIAN, OR  
8 PERSON IN LOCO PARENTIS TO THE EFFECT THAT THE PARENT, GUARDIAN, OR  
9 PERSON IN LOCO PARENTIS HAS RECEIVED THE INFORMATION ON THE  
10 CONNECTION BETWEEN HUMAN PAPILOMAVIRUS AND CERVICAL CANCER  
11 IDENTIFIED BY THE DEPARTMENT UNDER SECTION 9205B AND THAT THE  
12 PARENT, GUARDIAN, OR PERSON IN LOCO PARENTIS HAS ELECTED FOR THE  
13 CHILD NOT TO RECEIVE THE HUMAN PAPILOMAVIRUS VACCINE.

14           Sec. 9227. (1) The department shall promulgate rules to  
15 implement this part, including, but not limited to, rules governing  
16 all of the following:

17           (a) Age periods for immunizations.

18           (b) The minimum ages at which immunization may be commenced.

19           (c) The minimum number of doses required during a specified  
20 time period.

21           (d) Minimum levels of immunization for children in school.

22           (e) Reporting under section 9206(3).

23           (f) The acquisition, maintenance, and dissemination of  
24 information contained in the registry established under section  
25 9207.

26           (2) The department shall promulgate rules to implement the  
27 expansion of the registry to include the reporting and recording of

- 1 additional information such as lead screening performed on children
- 2 **AND THE ADMINISTRATION OF THE HUMAN PAPILLOMAVIRUS VACCINE.**