

Act No. 35
Public Acts of 2021
Approved by the Governor
June 24, 2021
Filed with the Secretary of State
June 24, 2021
EFFECTIVE DATE: June 24, 2021

**STATE OF MICHIGAN
101ST LEGISLATURE
REGULAR SESSION OF 2021**

Introduced by Senators Brinks, Theis, LaSata, MacDonald, Bizon, Johnson, McBroom, Geiss and VanderWall

ENROLLED SENATE BILL No. 440

AN ACT to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” (MCL 333.1101 to 333.25211) by adding section 22224b.

The People of the State of Michigan enact:

Sec. 22224b. (1) The department may approve a pilot project that meets the requirements under subsection (2) and authorize that pilot project to provide positron emission tomography scanner services without obtaining a certificate of need under this part.

(2) The department may approve a pilot project under subsection (1) if the department determines that the pilot project meets all of the following requirements:

(a) The positron emission tomography scanner is located in the same facility as a radiopharmacy that meets all of the following requirements:

(i) Is equipped with a fixed cyclotron.

(ii) Provides cyclotron-produced radionuclide tracers with pharmaceutical components for on-site patient administration.

(iii) Develops radiopharmaceuticals for use in diagnostic and theranostic applications.

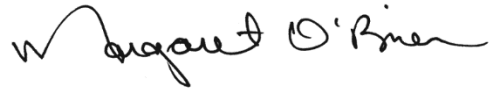
(iv) Is licensed under part 177.

(b) The positron emission tomography scanner services will be provided using not more than 2 fixed positron emission tomography scanners.

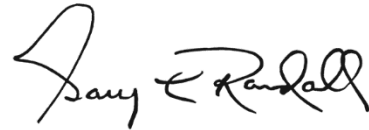
(c) The pilot project demonstrates it will become accredited by the American College of Radiology or the Intersocietal Accreditation Commission, or will receive an equivalent accreditation from another body that is approved by the department.

(3) If the commission under section 22215 adopts standards that are equivalent to the requirements under subsection (2) to apply for a certificate of need to initiate, replace, or expand positron emission tomography scanner services, a pilot project authorized to provide positron emission tomography scanner services under this section shall, not more than 6 months after the standards are adopted, apply for a certificate of need to continue to provide positron emission tomography scanner services.

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved _____

Governor