

Act No. 346
Public Acts of 2014
Approved by the Governor
October 15, 2014
Filed with the Secretary of State
October 17, 2014
EFFECTIVE DATE: October 17, 2014

**STATE OF MICHIGAN
97TH LEGISLATURE
REGULAR SESSION OF 2014**

Introduced by Rep. Jenkins

ENROLLED HOUSE BILL No. 5649

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 sections 16221a and 20165a.

The People of the State of Michigan enact:

Sec. 16221a. (1) Except in the case of gross negligence or willful misconduct as determined by the department, a health care provider’s recommendation or treatment provided as authorized under the right to try act is not grounds for the department to investigate under section 16221 or for disciplinary action against a licensee under section 16226.

(2) As used in this section:

(a) “Gross negligence” means conduct so reckless as to demonstrate a substantial lack of concern for whether serious injury to a person would result.

(b) “Willful misconduct” means conduct committed with an intentional or reckless disregard for the safety of others, as by failing to exercise reasonable care to prevent a known danger.

Sec. 20165a. (1) Except in the case of gross negligence or willful misconduct as determined by the department, a health facility’s cooperation in a treatment recommended by a health professional as authorized under the right to try act, alone, is not grounds for the department to take any action against a licensee under section 20165.

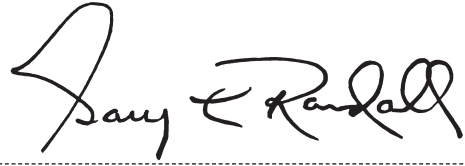
(2) As used in this section:

(a) “Gross negligence” means conduct so reckless as to demonstrate a substantial lack of concern for whether serious injury to a person would result.

(b) "Willful misconduct" means conduct committed with an intentional or reckless disregard for the safety of others, as by failing to exercise reasonable care to prevent a known danger.

Enacting section 1. This amendatory act does not take effect unless Senate Bill No. 991 of the 97th Legislature is enacted into law.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor