

**SUBSTITUTE FOR
SENATE BILL NO. 600**

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending section 1177 (MCL 380.1177), as amended by 2013 PA 121,
and by adding sections 1177b and 1177c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1177. (1) A child enrolling in a public or nonpublic
2 school for the first time or ~~beginning in the 2014-2015 school~~
3 ~~year,~~ enrolling in grade 7 for the first time shall submit 1 of the
4 following:

5 (a) A statement signed by a physician that the child has been
6 tested for and immunized or protected against diseases specified by
7 the director of the department of ~~community health~~ **and human**
8 **services.**



1 (b) A statement signed by a parent or guardian to the effect
 2 that the child has not been immunized because of religious
 3 convictions or other objection to immunization.

4 (c) A statement signed by a physician that certifies that the
 5 child is in the process of complying with all immunization
 6 requirements.

7 (2) In addition, the parent or guardian of each child
 8 enrolling in kindergarten for the first time shall submit a
 9 statement signed by a district, county, or city health department
 10 director stating that the child has been administered the
 11 department of ~~community health~~ **and human services** preschool vision
 12 screening test, or signed by a licensed medical or osteopathic
 13 physician or a licensed optometrist stating that the child's eyes
 14 have been examined during the preschool years after age 3 and
 15 before initial entrance. A vision test is not required if there is
 16 a statement signed by a parent or guardian to the effect that the
 17 child cannot be submitted to the test because of religious
 18 convictions.

19 (3) Not later than November 1 of each year, the administrator
 20 of each school shall provide the director of the department of
 21 ~~community health~~ **and human services** with the immunization status of
 22 each pupil in grades K ~~through to~~ 12 who enrolled in the school for
 23 the first time ~~, or, beginning in the 2014-2015 school year,~~
 24 enrolled in grade 7 in the school for the first time, between the
 25 immediately preceding January 1 and the immediately preceding
 26 September 30, as well as a vision report of each child entering
 27 kindergarten during that time period. This information ~~shall~~ **must**
 28 be transmitted through the approved local full-time health
 29 department, if available, and ~~shall~~ **must** be on forms provided by



1 the director of ~~community~~**the department of health and human**
 2 **services** or otherwise reported in a manner approved by the director
 3 of the department of ~~community~~**health and human services**. Not later
 4 than February 1 of each year, the administrator of each school
 5 shall provide an update to the report due the previous November 1
 6 to show the immunization status of each pupil in grades K ~~through~~
 7 **to 12** who enrolled in the school for the first time ~~or~~
 8 ~~beginning in the 2014-2015 school year,~~ enrolled in grade 7 in the
 9 school for the first time, during the calendar year ending the
 10 immediately preceding December 31. This information ~~shall~~**must** be
 11 transmitted in the same manner as the report due the previous
 12 November 1.

13 (4) The department of ~~community~~**health and human services**
 14 shall promulgate rules **under part 92 of the public health code,**
 15 **1978 PA 368, MCL 333.9201 to 333.9229,** including rules identifying
 16 the diseases specified under subsection (1)(a), for the
 17 implementation of this section.

18 **Sec. 1177b. (1) A school district, intermediate school**
 19 **district, or public school academy shall not adopt or implement a**
 20 **policy that requires that a pupil enrolled in the school district,**
 21 **intermediate school district, or public school academy receive an**
 22 **EUA vaccination to do any of the following:**

23 (a) Enter or attend a school operated by the school district,
 24 intermediate school district, or public school academy.

25 (b) Ride a school bus or other school-related vehicle.

26 (c) Participate in or attend a school-sponsored activity or
 27 event, whether or not it is held on school premises. A school-
 28 sponsored activity or event described in this subdivision includes,
 29 but is not limited to, participation in or attendance at school-



1 sponsored sports, band, theater, educational trips, or other
2 extracurricular activities.

3 (2) A school district, intermediate school district, or public
4 school academy shall not discriminate against or treat differently
5 a pupil solely based on whether or not the pupil has received an
6 EUA vaccination. Discrimination under this subsection includes, but
7 is not limited to, the following conduct:

8 (a) Implementing segregated seating based solely on whether or
9 not a pupil has received an EUA vaccination.

10 (b) Requiring that a pupil wear a face mask solely based on
11 whether or not the pupil has received an EUA vaccination.

12 (c) Requiring that a pupil or any member of the pupil's family
13 pay a different fee for admission to a school-sponsored activity or
14 event, whether or not it is held on school premises, solely based
15 on whether or not the pupil has received an EUA vaccination. A
16 school-sponsored activity or event described in this subdivision
17 includes, but is not limited to, participation in or attendance at
18 school-sponsored sports, band, theater, educational trips, or other
19 extracurricular activities.

20 (d) The implementation of a policy that prohibits a pupil from
21 participating in school-sponsored interscholastic athletic
22 activities, including certain teams within a school-sponsored
23 interscholastic athletic activity, solely based on whether or not
24 the pupil has received an EUA vaccination.

25 (3) A school district, intermediate school district, or public
26 school academy shall not require that an individual receive an EUA
27 vaccination to attend a meeting of the board.

28 (4) As used in this section:

29 (a) "Board" means the board of a school district, an



1 intermediate school board, or the board of directors of a public
2 school academy.

3 (b) "EUA vaccination" means a vaccine authorized by the United
4 States Food and Drug Administration for emergency use.

5 (c) "Face mask" means a tightly woven cloth or other
6 multilayer absorbent material that closely covers an individual's
7 mouth and nose.

8 Sec. 1177c. (1) If a school district, intermediate school
9 district, or public school academy adopts or implements a policy
10 that requires pupils enrolled in the school district, intermediate
11 school district, or public school academy receive a vaccine for
12 COVID-19 that has received final authorization by the United States
13 Food and Drug Administration, the school district, intermediate
14 school district, or public school academy shall provide for a
15 waiver process through which the parent or legal guardian of a
16 pupil or, if the pupil is at least 18 years of age or an
17 emancipated minor, the pupil, can request a waiver from the policy
18 as described in subsection (2). Subject to section 1177, a school
19 district, intermediate school district, or public school academy
20 shall not require that a pupil for which a waiver is received under
21 this subsection receive a COVID-19 vaccine that has received final
22 authorization by the United States Food and Drug Administration to
23 do any of the following:

24 (a) Enter or attend a school operated by the school district,
25 intermediate school district, or public school academy.

26 (b) Ride a school bus or other school-related vehicle.

27 (c) Participate in or attend a school-sponsored activity or
28 event, whether or not it is held on school premises. A school-
29 sponsored activity or event described in this subdivision includes,



1 but is not limited to, participation in or attendance at school-
2 sponsored sports, band, theater, educational trips, or other
3 extracurricular activities.

4 (2) Subject to section 1177, the waiver process described in
5 subsection (1) must provide for a waiver from the requirement under
6 subsection (1) to the parent or legal guardian on behalf of a pupil
7 or a pupil who is at least 18 years of age or an emancipated minor
8 who requests a waiver if the parent, legal guardian, or pupil
9 submits any of the following to the school district, intermediate
10 school district, or public school academy in which the pupil is
11 enrolled:

12 (a) A statement signed by the pupil's parent or legal guardian
13 or, if the pupil is at least 18 years of age or an emancipated
14 minor, the pupil, to the effect that the child has not received the
15 vaccine because of religious convictions or other objection to the
16 vaccination.

17 (b) A statement signed by a physician that certifies that the
18 child is in the process of receiving the vaccine.

19 (c) A statement signed by a physician that certifies that the
20 vaccine is or may be detrimental to the child's health or is not
21 appropriate.

22 (3) A school district, intermediate school district, or public
23 school academy shall not discriminate against or treat differently
24 a pupil solely based on whether or not the pupil's parent or legal
25 guardian or the pupil has requested a waiver under subsection (1)
26 or received a waiver for the pupil under subsection (1).
27 Discrimination under this subsection includes, but is not limited
28 to, the following conduct:

29 (a) Implementing segregated seating based solely on whether or



1 not a pupil's parent or legal guardian or the pupil has requested a
2 waiver under subsection (1) or received a waiver for the pupil
3 under subsection (1).

4 (b) Requiring that a pupil or any member of the pupil's family
5 pay a different fee for admission to a school-sponsored activity or
6 event, whether or not it is held on school premises, solely based
7 on whether or not the pupil's parent or legal guardian or the pupil
8 has requested a waiver under subsection (1) or received a waiver
9 for the pupil under subsection (1). A school-sponsored activity or
10 event described in this subdivision includes, but is not limited
11 to, participation in or attendance at school-sponsored sports,
12 band, theater, educational trips, or other extracurricular
13 activities.

14 (c) The implementation of a policy that prohibits a pupil from
15 participating in school-sponsored interscholastic athletic
16 activities, including certain teams within a school-sponsored
17 interscholastic athletic activity, solely based on whether or not
18 the pupil's parent or legal guardian or the pupil has requested a
19 waiver under subsection (1) or received a waiver for the pupil
20 under subsection (1).

21 (4) A school district, intermediate school district, or public
22 school academy shall not adopt or implement a policy that requires
23 an individual to receive a COVID-19 vaccine that has received final
24 authorization by the United States Food and Drug Administration to
25 attend a meeting of the board.

26 (5) As used in this section:

27 (a) "Board" means the board of a school district, an
28 intermediate school board, or the board of directors of a public
29 school academy.



1 (b) "COVID-19" means severe acute respiratory syndrome
2 coronavirus 2 (SARS-CoV-2).

3 Enacting section 1. This amendatory act does not take effect
4 unless Senate Bill No. 602 of the 101st Legislature is enacted into
5 law.