

SENATE BILL NO. 600

July 27, 2021, Introduced by Senators THEIS, BARRETT, NESBITT, MACDONALD, RUNESTAD, BUMSTEAD, VICTORY, BIZON, DALEY, OUTMAN, LAUWERS and VANDERWALL and referred to the Committee on Education and Career Readiness.

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 section 1177b.

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:

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

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

8 (c) A statement signed by a physician that certifies that the
 9 child is in the process of complying with all immunization
 10 requirements.

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

23 (3) Not later than November 1 of each year, the administrator
 24 of each school shall provide the director of the department of
 25 ~~community health~~ **and human services** with the immunization status of
 26 each pupil in grades K ~~through to~~ 12 who enrolled in the school for
 27 the first time ~~, or , beginning in the 2014-2015 school year,~~
 28 enrolled in grade 7 in the school for the first time, between the
 29 immediately preceding January 1 and the immediately preceding

1 September 30, as well as a vision report of each child entering
 2 kindergarten during that time period. This information ~~shall~~**must**
 3 be transmitted through the approved local full-time health
 4 department, if available, and ~~shall~~**must** be on forms provided by
 5 the director of ~~community~~**the department of health and human**
 6 **services** or otherwise reported in a manner approved by the director
 7 of the department of ~~community~~**health and human services**. Not later
 8 than February 1 of each year, the administrator of each school
 9 shall provide an update to the report due the previous November 1
 10 to show the immunization status of each pupil in grades K ~~through~~
 11 **to** 12 who enrolled in the school for the first time ~~or~~
 12 ~~beginning in the 2014-2015 school year,~~ enrolled in grade 7 in the
 13 school for the first time, during the calendar year ending the
 14 immediately preceding December 31. This information ~~shall~~**must** be
 15 transmitted in the same manner as the report due the previous
 16 November 1.

17 (4) The department of ~~community~~**health and human services**
 18 shall promulgate rules **under part 92 of the public health code,**
 19 **1978 PA 368, MCL 333.9201 to 333.9229,** including rules identifying
 20 the diseases specified under subsection (1)(a), for the
 21 implementation of this section.

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

27 (a) **Enter or attend a school operated by the school district,**
 28 **intermediate school district, or public school academy.**

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

1 (c) Participate in or attend a school-sponsored activity or
2 event, whether or not it is held on school premises. A school-
3 sponsored activity or event described in this subdivision includes,
4 but is not limited to, participation in or attendance at school-
5 sponsored sports, band, theater, educational trips, or other
6 extracurricular activities.

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

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

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

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

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

29 (3) A school district, intermediate school district, or public

1 school academy shall not require that an individual receive an EUA
2 vaccination to attend a meeting of the board.

3 (4) As used in this section:

4 (a) "Board" means the board of a school district, an
5 intermediate school board, or the board of directors of a public
6 school academy.

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

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

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