

Act No. 146  
Public Acts of 2023  
Approved by the Governor  
October 3, 2023  
Filed with the Secretary of State  
October 3, 2023  
EFFECTIVE DATE: October 3, 2023

**STATE OF MICHIGAN  
102ND LEGISLATURE  
REGULAR SESSION OF 2023**

Introduced by Senators Cherry, Bellino, Chang, Bayer, McMorrow, Geiss, Wojno, Santana and Shink

## **ENROLLED SENATE BILL No. 31**

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 5474d.

*The People of the State of Michigan enact:*

Sec. 5474d. (1) Beginning January 1, 2024, a physician treating a patient who is a minor shall do both of the following:

- (a) Test the minor for lead poisoning, or order the test for the minor, at the intervals and using the methods specified by the department by rule.
  - (b) If the physician performs the test described in subdivision (a), make an entry of the testing on the minor’s certificate of immunization.
- (2) The department shall promulgate rules to implement this section. The rules must include, but are not limited to, all of the following:
- (a) Subject to subsection (3), a requirement that a minor residing in this state is tested at the following ages:
    - (i) 12 months of age and 24 months of age.
    - (ii) If the minor has no previous record of the test required under this section, between 24 months of age and 72 months of age.

(b) The identification of geographic areas in this state that pose a high risk for childhood lead poisoning and a requirement that a minor who is 4 years of age be tested if the minor resides in an area described in this subdivision.

(c) Factors to identify a minor who is at high risk for lead poisoning. The factors must include, but are not limited to, residing in a home where other minors have been diagnosed with lead poisoning and residing in a home that was built before 1978.

(d) A requirement that a minor is tested at intervals determined by the department if a physician determines that the minor is at high risk for lead poisoning by applying the factors described in subdivision (c), through a parent's attestation, or through the physician's own independent medical judgment.

(e) Procedures for entering the information described in subsection (1)(b) on the minor's certificate of immunization, including, but not limited to, procedures for entering the information if the testing is performed by a person other than a physician.

(3) The department may, by rule, adjust the age requirements described in subsection (2)(a) or eliminate the testing requirement in subsection (2)(a) if, after collecting and reviewing data on lead poisoning in this state for 5 years, the department determines that testing minors at the ages described in subsection (2)(a) is no longer necessary or appropriate to maintain the health and safety of minors who reside in this state. If the department adjusts the ages or eliminates the requirement described in subsection (2)(a) under this subsection, the department shall submit a report to the legislature detailing the department's rationale.

(4) This section does not apply to a minor whose parent, guardian, or person in loco parentis objects to testing.


(5) As used in this section, "certificate of immunization" means the certificate described in section 9206.

Enacting section 1. This amendatory act does not take effect unless House Bill No. 4200 of the 102nd Legislature is enacted into law.

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved \_\_\_\_\_

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Governor

**Compiler's note:** House Bill No. 4200, referred to in enacting section 1, was filed with the Secretary of State October 3, 2023, and became 2023 PA 145, Imd. Eff. Oct. 3, 2023.