

**SUBSTITUTE FOR
SENATE BILL NO. 31**

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 9206 (MCL 333.9206), as amended by 1996 PA 540,
and by adding section 5474d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 5474d. (1) Beginning January 1, 2024, a physician**
2 **treating a patient who is a minor shall do both of the following:**
3 **(a) Test the minor for lead poisoning, or order the test for**
4 **the minor, at the intervals and using the methods specified by the**
5 **department by rule.**
6 **(b) If the physician performs the test described in**
7 **subdivision (a), make an entry of the testing on the minor's**
8 **certificate of immunization.**

1 (2) The department shall promulgate rules to implement this
2 section. The rules must include, but are not limited to, all of the
3 following:

4 (a) Subject to subsection (3), a requirement that a minor
5 residing in this state is tested at the following ages:

6 (i) 12 months of age and 24 months of age.

7 (ii) If the minor has no previous record of the test required
8 under this section, between 24 months of age and 72 months of age.

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

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

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

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

27 (3) The department may, by rule, adjust the age requirements
28 described in subsection (2)(a) or eliminate the testing requirement
29 in subsection (2)(a) if, after collecting and reviewing data on

1 lead poisoning in this state for 5 years, the department determines
2 that testing minors at the ages described in subsection (2) (a) is
3 no longer necessary or appropriate to maintain the health and
4 safety of minors who reside in this state. If the department
5 adjusts the ages or eliminates the requirement described in
6 subsection (2) (a) under this subsection, the department shall
7 submit a report to the legislature detailing the department's
8 rationale.

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

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

13 Sec. 9206. (1) The health care provider administering an
14 immunizing agent to a child shall present the person accompanying
15 the child with a written certificate of immunization, or make an
16 entry of the immunization on a certificate in the person's
17 possession. The certificate ~~shall~~**must** be in a form prescribed by
18 the department and ~~shall~~**must** indicate the diseases or infections
19 for which the child has been immunized, the number of doses given,
20 the dates when administered, and whether further immunizations are
21 indicated. **Beginning January 1, 2024, the certificate must also**
22 **have a space to indicate whether the minor has been tested for lead**
23 **poisoning.**

24 (2) Before administering an immunizing agent to a child, a
25 health care provider shall notify the parent, guardian, or person
26 in loco parentis of the child, on a form provided by the
27 department, of the right to object to the reporting requirement ~~of~~
28 **described in** subsection (3).

29 (3) Unless the parent, guardian, or person in loco parentis of

1 the child who received the immunizing agent objects by written
2 notice received by the health care provider prior to reporting, a
3 health care provider shall report to the department each
4 immunization administered by the health care provider, ~~pursuant to~~
5 **under** rules promulgated under section 9227. If the parent,
6 guardian, or person in loco parentis of the child who was immunized
7 objects to the reporting requirement of this subsection by written
8 notice received by the health care provider prior to notification,
9 the health care provider shall not report the immunization.

10 (4) A health care provider who complies or fails to comply in
11 good faith with subsection (3) is not liable in a civil action for
12 damages as a result of an act or omission during the compliance,
13 except an act or omission constituting gross negligence or willful
14 and wanton misconduct.

15 (5) As used in this section, "health care provider" means a
16 health professional, health facility, or local health department.