

# HOUSE BILL NO. 5259

October 26, 2023, Introduced by Reps. Borton, St. Germaine, Bezotte, DeBoyer, BeGole, Aragona, Johnsen, Rigas, Smit, Carra, Paquette, Bruck and Jaime Greene and referred to the Committee on Government Operations.

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 9206 and 9227 (MCL 333.9206 and 333.9227), section 9206 as amended by 2023 PA 145 and section 9227 as amended by 2006 PA 91.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

- 1           Sec. 9206. (1) A health care provider administering an
- 2 immunizing agent to a child shall present the person accompanying
- 3 the child with a written certificate of immunization, or make an

1 entry of the immunization on a certificate in the person's  
2 possession. The certificate must be in a form prescribed by the  
3 department and indicate the diseases or infections for which the  
4 child has been immunized, the number of doses given, the dates when  
5 administered, and whether further immunizations are indicated.  
6 Beginning January 1, 2024, the certificate must also have a space  
7 to indicate whether the minor has been tested for lead poisoning.

8 (2) Before administering an immunizing agent to a child, a  
9 health care provider shall notify the parent, guardian, or person  
10 in loco parentis of the child, on a form provided by the  
11 department, of the right to object to the reporting requirement  
12 described in subsection (3).

13 (3) Unless the parent, guardian, or person in loco parentis of  
14 the child who received the immunizing agent objects by written  
15 notice received by the health care provider prior to reporting, a  
16 health care provider shall report to the department each  
17 immunization administered by the health care provider, pursuant to  
18 rules promulgated under section 9227. If the parent, guardian, or  
19 person in loco parentis of the child who was immunized objects to  
20 the reporting requirement of this subsection by written notice  
21 received by the health care provider prior to notification, the  
22 health care provider shall not report the immunization.

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

28 (5) **Beginning December 31, 2024, a health care provider shall**  
29 **submit to the department a report of the occurrence of an adverse**

1 event resulting from an immunizing agent pursuant to rules  
2 promulgated under section 9227. The report must include all of the  
3 following information:

4 (a) The age, date of birth, and sex of the patient.

5 (b) The name and dosage of the immunizing agent.

6 (c) The date, time, and location that the immunizing agent was  
7 administered.

8 (d) The date and time when the adverse event resulting from an  
9 immunizing agent started.

10 (e) The patient's symptoms.

11 (f) If applicable, any medical test result and laboratory test  
12 result for the patient.

13 (g) The outcome of the adverse event resulting from an  
14 immunizing agent.

15 (6) ~~(5)~~—As used in this section:

16 (a) "Adverse event resulting from an immunizing agent" means  
17 any of the following:

18 (i) An injury resulting from an immunizing agent that a patient  
19 reports to the health care provider.

20 (ii) An injury to a patient resulting from an immunizing agent  
21 if the injury is diagnosed by the health care provider.

22 (b) ~~(a)~~—"Health care provider" means a health professional,  
23 health facility, or local health department.

24 (c) ~~(b)~~—"Health professional" means an individual who is  
25 licensed, registered, or otherwise authorized to engage in a health  
26 profession under article 15.

27 Sec. 9227. (1) The department shall promulgate rules to  
28 implement this part, including, but not limited to, rules governing  
29 all of the following:

1 (a) Age periods for immunizations.

2 (b) The minimum ages at which immunization may be commenced.

3 (c) The minimum number of doses required during a specified  
4 time period.

5 (d) Minimum levels of immunization for children in school.

6 (e) Reporting under section 9206(3).

7 (f) ~~The~~ **Subject to subsection (3), the** acquisition,  
8 maintenance, and dissemination of information contained in the  
9 registry. ~~established under section 9207.~~

10 (2) The department shall promulgate rules to implement the  
11 expansion of the registry to include the reporting and recording of  
12 additional information, ~~such as including, but not limited to,~~ lead  
13 screening performed on children **and the reporting of adverse events**  
14 **resulting from immunizing agents under section 9206.**

15 (3) **The department shall not promulgate or enforce a rule that**  
16 **grants a school, the principal or administrator of the school, or**  
17 **any other individual acting on behalf of the school access to the**  
18 **registry.**