

# SENATE BILL NO. 31

January 19, 2023, Introduced by Senators CHERRY, BELLINO, CHANG, BAYER, MCMORROW, GEISS, WOJNO, SANTANA and SHINK and referred to the Committee on Health Policy.

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 at the intervals and**

1 using the methods specified by the department by rule.

2 (b) Make an entry of the testing on the minor's certificate of  
3 immunization.

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

7 (a) A requirement that a minor residing in this state is  
8 tested once between the ages of 9 and 12 months old and is tested  
9 once again between the ages of 2 and 3 years old.

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

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

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

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

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

27 Sec. 9206. (1) The health care provider administering an  
28 immunizing agent to a child shall present the person accompanying  
29 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 ~~shall~~**must** be in a form prescribed by  
 3 the department and ~~shall~~**must** indicate the diseases or infections  
 4 for which the child has been immunized, the number of doses given,  
 5 the dates when administered, and whether further immunizations are  
 6 indicated. **Beginning January 1, 2024, the certificate must also**  
 7 **have a space to indicate whether the minor has been tested for lead**  
 8 **poisoning.**

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

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

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

29 (5) As used in this section, "health care provider" means a

**1** health professional, health facility, or local health department.