

HOUSE BILL No. 4495

March 20, 2001, Introduced by Reps. Williams, Hardman, Quarles, Zelenko, Murphy, Clark, Clarke, Anderson, O'Neil, Switalski, Scranton, Godchaux, Hansen, Phillips, DeWeese, Woodward, Adamini, Rich Brown, Bovin, Whitmer, Frank, Kolb, Wojno, Neumann, Waters, Dennis and Spade and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 9206, 9207, 9209, 9211, 9215, and 9227 (MCL 333.9206, 333.9207, 333.9209, 333.9211, 333.9215, and 333.9227), sections 9206 and 9227 as amended and section 9207 as added by 1996 PA 540, and by adding section 5474a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

HOUSE BILL No. 4495 1 SEC. 5474A. (1) THE DEPARTMENT SHALL ESTABLISH A BLOOD LEAD
2 TESTING PROGRAM FOR PRESCHOOL CHILDREN SUBJECT TO THE PARENTAL
3 NOTIFICATION AND OBJECTION PROVISIONS OF SECTION 9206(2) AND
4 (3). AS PART OF THIS PROGRAM, THE DEPARTMENT SHALL REQUIRE THAT
5 RESULTS OF ALL BLOOD LEAD LEVEL TESTS CONDUCTED IN MICHIGAN BE
6 REPORTED TO THE DEPARTMENT AS PROVIDED FOR IN RULE AND IN PART 92
7 AND THAT WHEN THE DEPARTMENT RECEIVES NOTICE OF BLOOD LEAD LEVELS
8 ABOVE 10 MICROGRAMS PER DECILITER, IT SHALL INITIATE CONTACT WITH

1 THE LOCAL PUBLIC HEALTH DEPARTMENT OR THE PHYSICIAN, OR BOTH, OF
2 THE CHILD WHOSE BLOOD LEAD LEVEL EXCEEDS 10 MICROGRAMS PER
3 DECILITER. THE DEPARTMENT SHALL ALSO ESTABLISH A PROGRAM OR
4 SYSTEM, BY RULE, FOR FOLLOW-UP AND FOR PROVIDING A LIST OF AGEN-
5 CIES OR SERVICE PROVIDERS CAPABLE OF OFFERING ASSISTANCE OR
6 TREATMENT TO THE CHILD.

7 (2) THE DEPARTMENT SHALL REPORT TO THE LEGISLATURE BY
8 JANUARY 1, 2002, AND ANNUALLY THEREAFTER, THE NUMBER OF PRESCHOOL
9 CHILDREN WHO WERE SCREENED FOR LEAD POISONING DURING THE PRECED-
10 ING FISCAL YEAR AND WHO WERE CONFIRMED TO HAVE HAD BLOOD LEAD
11 LEVELS ABOVE 10 MICROGRAMS PER DECILITER. THE REPORT SHALL COM-
12 PARE THESE RATES WITH THOSE OF PREVIOUS FISCAL YEARS, AND THE
13 DEPARTMENT SHALL RECOMMEND METHODS FOR IMPROVING COMPLIANCE WITH
14 THIS SECTION, INCLUDING ANY NECESSARY LEGISLATION OR
15 APPROPRIATIONS.

16 (3) AS USED IN THIS SECTION, "PRESCHOOL CHILDREN" MEANS
17 CHILDREN BETWEEN AGES 3 AND 5 YEARS.

18 Sec. 9206. (1) The health care provider administering an
19 immunizing agent OR A BLOOD LEAD TEST to a child shall present
20 the person accompanying the child with a written certificate of
21 immunization OR BLOOD LEAD TESTING, or make an entry of the immu-
22 nization OR BLOOD LEAD TEST on a certificate in the person's
23 possession. The certificate shall be in a form prescribed by the
24 department and shall indicate the diseases or infections for
25 which the child has been immunized AND THE BLOOD LEAD TEST, the
26 number of doses given, the dates when administered, and whether
27 further immunizations OR BLOOD LEAD TESTS are indicated.

1 (2) Before administering an immunizing agent OR BLOOD LEAD
2 TEST to a child, a health care provider shall notify the parent,
3 guardian, or person in loco parentis of the child, on a form pro-
4 vided by the department, of the right to object to the reporting
5 requirement of subsection (3).

6 (3) Unless the parent, guardian, or person in loco parentis
7 of the child who received the immunizing agent OR BLOOD LEAD TEST
8 objects by written notice received by the health care provider
9 prior to reporting, a health care provider shall report to the
10 department each immunization AND BLOOD LEAD TEST administered by
11 the health care provider, pursuant to rules promulgated under
12 section 9227. If the parent, guardian, or person in loco paren-
13 tis of the child who was immunized OR BLOOD LEAD TESTED objects
14 to the reporting requirement of this subsection by written notice
15 received by the health care provider prior to notification, the
16 health care provider shall not report the immunization OR BLOOD
17 LEAD TEST.

18 (4) A health care provider who complies or fails to comply
19 in good faith with subsection (3) is not liable in a civil action
20 for damages as a result of an act or omission during the compli-
21 ance, except an act or omission constituting gross negligence or
22 willful and wanton misconduct.

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

26 Sec. 9207. (1) The department shall establish a registry,
27 to be known as the "childhood immunization AND BLOOD LEAD TESTING

1 registry", to record information regarding immunizations AND
2 BLOOD LEAD TESTS performed under this part. The department shall
3 enter information received under sections 2821, 5474A, and 9206
4 in the registry.

5 (2) The information contained in the childhood immunization
6 AND BLOOD LEAD TESTING registry is subject to the confidentiality
7 and disclosure requirements of this section and sections 2637 and
8 2888 and to the rules promulgated under section 9227. The
9 department may access the information contained in the childhood
10 immunization AND BLOOD LEAD TESTING registry when necessary to
11 fulfill its duties under this part.

12 (3) The department shall use the information in the child-
13 hood immunization AND BLOOD LEAD TESTING registry only for immu-
14 nization AND BLOOD LEAD SCREENING purposes. The department shall
15 delete information in the childhood immunization AND BLOOD LEAD
16 TESTING registry pertaining to an individual child immediately
17 upon the child reaching the age of 20.

18 Sec. 9209. (1) Before November 1 of each year, the princi-
19 pal or administrator of each school shall deliver to the ~~state~~
20 DEPARTMENT and THE local health departments a list of the immuni-
21 zation status AND BLOOD LEAD STATUS at the time of school entry
22 of new entering kindergarten and first grade students. BEFORE
23 NOVEMBER 1 OF EACH YEAR, THE OPERATOR OF A PROGRAM OF GROUP RESI-
24 DENCE OR CARE OF PRESCHOOL CHILDREN SHALL DELIVER TO THE STATE
25 AND LOCAL HEALTH DEPARTMENTS A LIST OF THE IMMUNIZATION STATUS
26 AND BLOOD LEAD STATUS AT THE TIME OF ENTRY INTO THE PRESCHOOL
27 PROGRAM IN THE MANNER PROVIDED FOR IN SECTION 9211.

1 (2) The department shall prescribe minimum percentage levels
2 of immunization AND BLOOD LEAD TESTING for children in a school
3 OR PRESCHOOL PROGRAM.

4 (3) As a result of the information collected pursuant to
5 subsection (1), the local health officer shall take appropriate
6 action, including immunization AND BLOOD LEAD TESTING clinics, to
7 raise the immunization level AND BLOOD LEAD TESTING LEVEL of
8 CHILDREN REGISTERED IN A PRESCHOOL PROGRAM AND children entering
9 school to the levels established pursuant to subsection (2).

10 (4) Before the following February 1, the principal or admin-
11 istrator of each school OR OPERATOR OF A PRESCHOOL PROGRAM shall
12 update the list to show the additional immunizations AND BLOOD
13 LEAD TESTING received by each child since entering the school OR
14 PRESCHOOL PROGRAM. The reports shall be made on forms provided
15 or approved by the department. A child who enters school in
16 September and who has not completed the immunizations AND BLOOD
17 LEAD TESTING required under section 9227 and has not filed an
18 exemption under section 9215 before February 1 shall be excluded
19 from school attendance. A child who enters school at any other
20 time of the school year and who has not completed the immuniza-
21 tions AND BLOOD LEAD TESTING required under section 9227 and has
22 not filed an exemption under section 9215 within 4 months after
23 entrance shall be excluded from school attendance.

24 Sec. 9211. (1) A parent, guardian, or person in loco paren-
25 tis applying to have a preschool aged child registered in a pro-
26 gram of group residence, care, or camping shall present to the
27 operator of the program at the time of registration or not later

1 than the first day of the program a certificate of immunization
2 AND BLOOD LEAD TESTING or a statement of exemption under section
3 9215. The operator of the group program shall not permit a child
4 to attend the group activity unless a minimum of 1 dose of an
5 immunizing agent against each of the diseases specified by the
6 department has been received and certified to by a health profes-
7 sional or local health department. THE OPERATOR OF THE GROUP MAY
8 ALLOW A CHILD TO ATTEND THE GROUP ACTIVITY PENDING THE RESULTS OF
9 BLOOD LEAD TESTING. A parent, guardian, or person in loco paren-
10 tis of a child registered with only these minimum doses of an
11 immunizing agent OR WITHOUT BLOOD LEAD TESTING, OR BOTH, and con-
12 tinuing enrollment in the group program shall present an updated
13 certificate of immunization within 4 months after initial
14 attendance showing that the immunizations AND BLOOD LEAD TESTING
15 have been completed as prescribed by the department, if the child
16 remains in the program.

17 (2) Upon request by the department or local health depart-
18 ment, a program operator shall report to the ~~state~~ DEPARTMENT
19 and THE local health departments the immunization AND BLOOD LEAD
20 TESTING status of each child accepted.

21 Sec. 9215. (1) A child is exempt from the requirements of
22 this part as to a specific immunization OR BLOOD LEAD TESTING for
23 any period of time as to which a physician certifies that a spe-
24 cific immunization OR BLOOD LEAD TEST is or may be detrimental to
25 the child's health or is not appropriate.

26 (2) A child is exempt from this part if a parent, guardian,
27 or person in loco parentis of the child presents a written

1 statement to the administrator of the child's school or operator
2 of the group program to the effect that the requirements of this
3 part cannot be met because of religious convictions or other
4 objection to immunization OR BLOOD LEAD TESTING.

5 Sec. 9227. The department shall promulgate rules to imple-
6 ment this part, including, but not limited to, rules governing
7 all of the following:

8 (a) Age periods for immunizations AND BLOOD LEAD TESTING.

9 (b) The minimum ages at which immunization AND BLOOD LEAD
10 TESTING may be commenced. IN THE CASE OF BLOOD LEAD TESTING,
11 SUCH TESTING SHALL BE COMMENCED AT 3 YEARS OF AGE FOR CHILDREN
12 ENTERING INTO OR ALREADY REGISTERED IN A PRESCHOOL PROGRAM.

13 (c) The minimum number of doses required during a specified
14 time period.

15 (d) Minimum levels of immunization AND BLOOD LEAD TESTING
16 for children in school.

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

18 (f) The acquisition, maintenance, and dissemination of
19 information contained in the childhood immunization AND BLOOD
20 LEAD TESTING registry established under section 9207.