

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 335

A bill to amend 1973 PA 116, entitled

"An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts,"

(MCL 722.111 to 722.128) by adding section 17a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 17A. (1) IF THE CONDITIONS PRESCRIBED IN SUBSECTION (2)
2 ARE MET, NOTWITHSTANDING ANY CHILDREN'S CAMP POLICY TO THE
3 CONTRARY, A MINOR CHILD MAY POSSESS AND USE 1 OR MORE OF THE
4 FOLLOWING AT THE CHILDREN'S CAMP, ON CAMP-SPONSORED TRANSPORTATION,
5 OR AT ANY ACTIVITY, EVENT, OR PROGRAM SPONSORED BY THE CHILDREN'S
6 CAMP OR IN WHICH THE MINOR CHILD IS PARTICIPATING:
7 (A) A METERED DOSE INHALER OR A DRY POWDER INHALER TO
8 ALLEVIATE ASTHMATIC SYMPTOMS OR FOR USE BEFORE EXERCISE TO PREVENT

1 THE ONSET OF ASTHMATIC SYMPTOMS.

2 (B) AN EPINEPHRINE AUTO-INJECTOR OR EPINEPHRINE INHALER TO
3 TREAT ANAPHYLAXIS.

4 (2) SUBSECTION (1) APPLIES TO A MINOR CHILD IF ALL OF THE
5 FOLLOWING CONDITIONS ARE MET:

6 (A) THE MINOR CHILD HAS WRITTEN APPROVAL TO POSSESS AND USE
7 THE INHALER OR EPINEPHRINE AUTO-INJECTOR AS DESCRIBED IN SUBSECTION
8 (1) FROM THE MINOR CHILD'S PHYSICIAN OR OTHER HEALTH CARE PROVIDER
9 AUTHORIZED BY LAW TO PRESCRIBE AN INHALER OR EPINEPHRINE AUTO-
10 INJECTOR AND FROM THE MINOR CHILD'S PARENT OR LEGAL GUARDIAN.

11 (B) THE DIRECTOR OR OTHER CHIEF ADMINISTRATOR OF THE MINOR
12 CHILD'S CAMP HAS RECEIVED A COPY OF EACH WRITTEN APPROVAL REQUIRED
13 UNDER SUBDIVISION (A) FOR THE MINOR CHILD.

14 (C) THERE IS ON FILE AT THE CHILDREN'S CAMP A WRITTEN
15 EMERGENCY CARE PLAN THAT CONTAINS SPECIFIC INSTRUCTIONS FOR THE
16 MINOR CHILD'S NEEDS, THAT IS PREPARED BY A LICENSED PHYSICIAN IN
17 COLLABORATION WITH THE MINOR CHILD AND THE MINOR CHILD'S PARENT OR
18 LEGAL GUARDIAN, AND THAT IS UPDATED AS NECESSARY FOR CHANGING
19 CIRCUMSTANCES.

20 (3) A CHILDREN'S CAMP OR AN OWNER, DIRECTOR, OR EMPLOYEE OF A
21 CHILDREN'S CAMP IS NOT LIABLE FOR DAMAGES IN A CIVIL ACTION FOR
22 INJURY, DEATH, OR LOSS TO PERSON OR PROPERTY ALLEGEDLY ARISING FROM
23 EITHER OF THE FOLLOWING:

24 (A) AN EMPLOYEE OF THE CHILDREN'S CAMP HAVING PROHIBITED A
25 MINOR CHILD FROM USING AN INHALER OR EPINEPHRINE AUTO-INJECTOR
26 BECAUSE THE CONDITIONS PRESCRIBED IN SUBSECTION (2) HAD NOT BEEN
27 SATISFIED.

1 (B) AN EMPLOYEE OF THE CHILDREN'S CAMP HAVING PERMITTED A
2 MINOR CHILD TO USE OR POSSESS AN INHALER OR EPINEPHRINE AUTO-
3 INJECTOR BECAUSE THE CONDITIONS PRESCRIBED IN SUBSECTION (2) HAD
4 BEEN SATISFIED.

5 (4) THIS SECTION DOES NOT ELIMINATE, LIMIT, OR REDUCE ANY
6 OTHER IMMUNITY OR DEFENSE THAT A CAMP OR AN OWNER, DIRECTOR, OR
7 EMPLOYEE OF A CAMP MAY HAVE UNDER OTHER STATE LAW.

8 (5) A CHILDREN'S CAMP MAY REQUEST A MINOR CHILD'S PARENT OR
9 LEGAL GUARDIAN TO PROVIDE AN EXTRA INHALER OR EPINEPHRINE AUTO-
10 INJECTOR TO DESIGNATED CAMP PERSONNEL FOR USE IN CASE OF EMERGENCY.
11 A PARENT OR LEGAL GUARDIAN IS NOT REQUIRED TO PROVIDE AN EXTRA
12 INHALER OR EPINEPHRINE AUTO-INJECTOR TO CAMP PERSONNEL.

13 (6) A DIRECTOR OR OTHER CHIEF ADMINISTRATOR OF A CHILDREN'S
14 CAMP WHO IS AWARE THAT A MINOR CHILD POSSESSES AN INHALER OR
15 EPINEPHRINE AUTO-INJECTOR AS AUTHORIZED UNDER THIS SECTION SHALL
16 NOTIFY EACH CAMP EMPLOYEE WHO SUPERVISES THE MINOR CHILD OF THAT
17 FACT AND OF THE PROVISIONS OF THIS SECTION.