

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 PHYSICIAN LICENSED IN
17 THIS STATE IN COLLABORATION WITH THE MINOR CHILD AND THE MINOR
18 CHILD'S PARENT OR LEGAL GUARDIAN, AND THAT IS UPDATED AS NECESSARY
19 FOR CHANGING 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.