

Act No. 145
Public Acts of 2023
Approved by the Governor
October 3, 2023
Filed with the Secretary of State
October 3, 2023
EFFECTIVE DATE: October 3, 2023

**STATE OF MICHIGAN
102ND LEGISLATURE
REGULAR SESSION OF 2023**

Introduced by Reps. Scott, Brenda Carter, Young, Haadsma, Wilson, Rogers, Glanville, Brabec, Tsernoglou, Price, Steckloff, Dievendorf, Morse, Neeley, Rheingans, O'Neal, McKinney, Edwards, Witwer, Pohutsky, Hope, Hill, Byrnes, Coffia, Paiz, McFall, Liberati, Shannon, Koleszar, Stone, Tyrone Carter, Breen, Weiss, Fitzgerald, Grant, Skaggs, Miller, Wegela, Morgan, Brixie, Aiyash, Snyder, Wozniak, Hood, Farhat, Conlin, Coleman and Whitsett

ENROLLED HOUSE BILL No. 4200

AN ACT to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," by amending section 9206 (MCL 333.9206), as amended by 2023 PA 97.

The People of the State of Michigan enact:

Sec. 9206. (1) A health care provider administering an immunizing agent to a child shall present the person accompanying the child with a written certificate of immunization, or make an entry of the immunization on a certificate in the person's possession. The certificate must be in a form prescribed by the department and indicate the diseases or infections for which the child has been immunized, the number of doses given, the dates when administered, and whether further immunizations are indicated. Beginning January 1, 2024, the certificate must also have a space to indicate whether the minor has been tested for lead poisoning.

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

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

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

(5) As used in this section:

(a) "Health care provider" means a health professional, health facility, or local health department.

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

Enacting section 1. This amendatory act does not take effect unless Senate Bill No. 31 of the 102nd Legislature is enacted into law.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor

Compiler's note: Senate Bill No. 31, referred to in enacting section 1, was filed with the Secretary of State October 3, 2023, and became 2023 PA 146, Imd. Eff. Oct. 3, 2023.