

SENATE BILL NO. 1199

December 18, 2024, Introduced by Senator HUIZENGA and referred to the Committee on Government Operations.

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 9601 (MCL 333.9601), as amended by 1992 PA 79, and by adding section 5126.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 5126. (1) Beginning January 1, 2025, a primary care**
2 **physician shall inform individuals that qualified minors are**
3 **eligible to be tested for PFAS levels using a complete panel test.**
4 **If a parent, legal guardian, or person in loco parentis of the**

1 qualified minor consents to the test for PFAS levels under this
2 section, the primary care physician shall order a full panel to
3 test for PFAS levels.

4 (2) A full panel to test for PFAS levels must be collected at
5 a hospital reference laboratory to ensure a sufficient sample of
6 blood is obtained. The sample of blood must be sent to the state
7 testing laboratory for analysis.

8 (3) If a parent, legal guardian, or person in loco parentis of
9 a qualified minor consents, the department and any research
10 institution described under subsection (4) may retain the resulting
11 data collected from a blood sample analyzed under this section and
12 use the data for a pilot study.

13 (4) The pilot study under subsection (3) will be under the
14 auspices of the department but performed by a research institution
15 that performs research studies. A research institution must obtain
16 approval of the pilot study by the applicable institutional review
17 board.

18 (5) The department, in conjunction with the research
19 institution described under subsection (4), shall develop and
20 publish a pamphlet that provides educational material regarding
21 PFAS.

22 (6) The department shall promulgate rules to implement this
23 section. The rules must include, but are not limited to,
24 establishing the level of PFAS that the department determines is an
25 elevated PFAS level for a qualified minor.

26 (7) As used in this section:

27 (a) "Hospital reference laboratory" means a secondary or
28 tertiary facility, including Corewell Health, Trinity Health, or
29 University of Michigan West.

1 (b) "PFAS" means perfluoroalkyl and polyfluoroalkyl
2 substances.

3 (c) "Primary care physician" includes, but is not limited to,
4 a physician who specializes in pediatrics and a physician who
5 provides annual physical examinations to minors.

6 (d) "Qualified minor" means a minor who is 10 years of age or
7 younger and who lives in a household that uses water from a well
8 that is located in Kent or Ottawa County and in an area that has
9 been identified by the Michigan PFAS action response team as having
10 elevated levels of PFAS.

11 (e) "State testing laboratory" means a laboratory described
12 under section 9601.

13 Sec. 9601. (1) The department shall maintain and operate
14 laboratories for the protection of the public health by developing
15 or otherwise providing for adequate laboratory services to support
16 public health programs and to fulfill the requirements of law. The
17 director shall determine the services to be offered by the
18 laboratories. Laboratories established by law on ~~the effective date~~
19 ~~of this part shall~~ **June 2, 1992 must** be continued until otherwise
20 provided by law. Other laboratories ~~shall~~ **must** be located at places
21 designated by the department.

22 (2) The state, counties, and cities may enter into agreements
23 and contracts necessary or appropriate to the establishment,
24 operation, and maintenance of the laboratories required under
25 subsection (1).

26 (3) ~~Beginning October 1, 1991,~~ **Except for a full panel to test**
27 **for PFAS levels under section 5126,** the director may charge a
28 reasonable fee for a testing service provided by a laboratory
29 maintained and operated by the department under subsection (1). ~~For~~

1 ~~fiscal year 1991-92 and subsequent fiscal years, the~~ **The** director
2 shall not charge a fee under this subsection that is greater than
3 the fees established under Executive Order No. 1991-17. Before
4 collecting a fee under this subsection, the department shall
5 develop and publish a comprehensive schedule of testing services
6 and fees. The schedule ~~shall~~ **must** include a description of each
7 testing service and the maximum fee charged for each testing
8 service. Along with the schedule submitted to the director of the
9 department of **technology**, management, and budget for approval under
10 this subsection, the department shall submit a statement of the
11 rationale used in determining the fees contained in the schedule.
12 The department shall submit the schedule for approval to the
13 director of the department of **technology**, management, and budget.
14 The fees contained in the schedule ~~shall~~ **must** not exceed the amount
15 necessary to fund the testing service provided. The department also
16 shall submit to the director of the department of **technology**,
17 management, and budget for approval any revision to the original
18 schedule of testing services and fees.

19 (4) The department shall submit to the director of the
20 department of **technology**, management, and budget and to the
21 legislature an annual report that contains all of the following
22 information:

23 (a) The number of tests performed in the preceding year for
24 which a fee can be charged under this section.

25 (b) The total amount of fees collected under this section.

26 (c) Any costs related to providing testing services for which
27 a fee can be charged under this section.