

SENATE BILL NO. 244

April 23, 2025, Introduced by Senator HERTEL and referred to Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 5139 (MCL 333.5139), as added by 2012 PA 354.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5139. (1) A physician or an optometrist has no
2 affirmative obligation to but may voluntarily report to the
3 secretary of state or warn third parties regarding a patient's
4 mental and physical qualifications to operate a motor vehicle in a
5 manner as not to jeopardize the safety of persons and property due

1 to an episode. A physician or an optometrist who chooses not to
2 make a report to the secretary of state or warn third parties as
3 provided for under this subsection is immune from any criminal or
4 civil liability to the patient or third party that may have been
5 injured by the patient's actions.

6 **(2) A physician shall report to the secretary of state**
7 **regarding a patient's mental and physical qualifications to operate**
8 **a motor vehicle in a manner as not to jeopardize the safety of**
9 **persons and property due to a seizure experience.**

10 **(3)** ~~(2)~~ A physician or an optometrist ~~may make~~ **who makes** a
11 report under this section ~~and~~ **shall** submit that report to the
12 secretary of state for the purpose of initiating or contributing to
13 an examination of an applicant's physical and mental qualifications
14 to operate a motor vehicle in a manner as not to jeopardize the
15 safety of persons and property pursuant to section 309 of the
16 Michigan vehicle code, 1949 PA 300, MCL 257.309. In making that
17 report, the physician or optometrist shall recommend a period of
18 suspension as determined appropriate by the physician or
19 optometrist as follows:

20 (a) In the case of a patient holding an operator's license,
21 that the suspension be for at least 6 months or longer.

22 (b) In the case of a patient holding a commercial license,
23 that the suspension be for at least 12 months or longer.

24 **(4)** ~~(3)~~ A physician or an optometrist making a report under
25 ~~subsection (2),~~ **this section**, acting in good faith and exercising
26 due care as evidenced by documenting ~~his or her~~ **the physician's or**
27 **optometrist's** file or medical record regarding an episode **or**
28 **seizure experience**, is immune from any civil or criminal liability
29 resulting from the report to the patient or a third party that may

1 have been injured by the patient's actions.

2 (5) ~~(4)~~—As used in this section:

3 (a) "Episode" means any of the following:

4 (i) An experience derived from a condition that causes or
5 contributes to loss of consciousness, blackout, ~~seizure,~~ a fainting
6 spell, syncope, or any other impairment of the level of
7 consciousness **other than a seizure experience.**

8 (ii) An experience derived from a condition that causes an
9 impairment of an individual's driving judgment.

10 (iii) An experience derived from an impairment of an
11 individual's vision.

12 (b) "Optometrist" means that term as defined under part 174.

13 (c) "Physician" means that term as defined under part 170 or
14 175.

15 (d) **"Seizure experience" means an experience derived from a**
16 **condition that causes or contributes to a seizure.**