

PUBLIC HEALTH CODE (EXCERPT)
Act 368 of 1978

PART 92
IMMUNIZATION

333.9201 Definitions; principles of construction.

Sec. 9201. (1) As used in this part:

(a) "Camping" means attendance at a residential, day, troop, or travel camp conducted for more than 4 school-age children, apart from their parents, guardians, or persons in loco parentis for 5 or more days or parts of days in a 14-day period.

(b) "Immunizing agent" means a vaccine, antibody preparation, or other substance used to increase an individual's immunity to a disease or infectious agent.

(c) "Infectious agent" means that term as defined in R 325.9031 of the Michigan administrative code.

(d) "Registry" means the childhood immunization registry or Michigan care improvement registry established under section 9207.

(2) In addition, article 1 contains general definitions and principles of construction applicable to all articles in this code.

History: 1978, Act 368, Eff. Sept. 30, 1978;—Am. 1996, Act 540, Imd. Eff. Jan. 15, 1997;—Am. 2006, Act 91, Imd. Eff. Apr. 4, 2006.

Compiler's note: For transfer of certain powers and duties of the bureau of child and family services, with the exception of the women, infants, and children division, from the department of public health to the director of the department of community health, see E.R.O. No. 1996-1, compiled at MCL 330.3101 of the Michigan Compiled Laws.

Popular name: Act 368

333.9203 Free immunization treatments; free periodic immunization clinics for children; publicity; mass immunization programs; liability.

Sec. 9203. (1) A local health department shall offer free immunization treatments to the public for protection in case of an epidemic or threatened epidemic of a disease as ordered by the director.

(2) A local health department shall conduct free periodic immunization clinics for children residing in its jurisdiction. The local health department shall publicize the free immunization service and the time and place of the clinics.

(3) When the department approves a mass immunization program to be administered in this state, health personnel employed by a governmental entity who are required to participate in the program, or any other individual authorized by the director or a local health officer to participate in the program without compensation, is not liable to any person for civil damages as a result of an act or omission causing illness, reaction, or adverse effect from the use of a drug or vaccine in the program, except for gross negligence or wilful and wanton misconduct. This subsection does not exempt a drug manufacturer from liability for a drug or vaccine used in the program.

History: 1978, Act 368, Eff. Sept. 30, 1978.

Popular name: Act 368

333.9204 Administration of immunizing agent.

Sec. 9204. A health professional other than a physician may administer an immunizing agent as long as the agent is being administered under the direction of a physician.

History: 1978, Act 368, Eff. Sept. 30, 1978;—Am. 2006, Act 91, Imd. Eff. Apr. 4, 2006.

Popular name: Act 368

333.9205 Immunization of child required.

Sec. 9205. A parent, guardian, or person in loco parentis of a child shall provide for the child's immunization by an authorized health professional, physician, local health department, clinic, or other agency offering immunizations for diseases and within an age period prescribed by the department.

History: 1978, Act 368, Eff. Sept. 30, 1978.

Popular name: Act 368

333.9205a Risks associated with meningococcal disease; materials; notice; availability; "institution of higher education" defined.

Sec. 9205a. (1) The department shall identify materials that contain information regarding the risks associated with meningococcal disease and the availability, effectiveness, and potential risks of immunization

for meningococcal disease, and other diseases about which the department may recommend immunization or immunization information.

(2) The department shall notify each institution of higher education and high school in this state of the availability of the materials described in subsection (1) and post the materials on its website.

(3) The department shall encourage each institution of higher education in this state to provide or make available to students enrolled in the institution of higher education, and each high school in this state to provide or make available to parents of students attending the high school, information regarding the risks associated with meningococcal disease and the availability, effectiveness, and potential risks of immunization for meningococcal disease and other diseases about which the department may recommend immunization or immunization information.

(4) As used in this section, "institution of higher education" means a degree or certificate granting public or private college or university, junior college, or community college.

History: Add. 2001, Act 163, Imd. Eff. Nov. 7, 2001.

Popular name: Act 368

333.9205b Risks of human papillomavirus; availability of materials; definitions.

Sec. 9205b. (1) The department shall identify materials that contain information regarding the risks associated with human papillomavirus and the availability, effectiveness, and potential risks of immunization for human papillomavirus. The department shall notify each public school, public school academy, and nonpublic school in this state of the availability of the materials described in this subsection and shall post the materials on its website.

(2) The department shall encourage each public school, public school academy, and nonpublic school in this state to provide or make available to parents of students attending the school information regarding the risks associated with human papillomavirus and the availability, effectiveness, and potential risks of immunization for human papillomavirus.

(3) As used in this section, "public school", "public school academy", and "nonpublic school" mean those terms as defined in section 5 of the revised school code, 1976 PA 451, MCL 380.5.

History: Add. 2008, Act 120, Imd. Eff. May 9, 2008.

Popular name: Act 368

333.9206 Certificate of immunization required; form; contents; right to object to reporting requirement; report to department; failure to comply with subsection (3); "health care provider" defined.

Sec. 9206. (1) The 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 shall be in a form prescribed by the department and shall 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.

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

History: 1978, Act 368, Eff. Sept. 30, 1978;—Am. 1996, Act 540, Imd. Eff. Jan. 15, 1997.

Popular name: Act 368

333.9207 Childhood immunization registry; Michigan care improvement registry; establishment; purpose; confidentiality and disclosure requirements.

Sec. 9207. (1) The department shall establish a registry, to be known as the "childhood immunization

registry", to record information regarding immunizations performed under this part. Beginning after the effective date of the amendatory act that added section 9227(2), the "childhood immunization registry" shall be known as the "Michigan care improvement registry". The department shall enter information received under sections 2821 and 9206 in the registry.

(2) The information contained in the registry is subject to the confidentiality and disclosure requirements of sections 2637 and 2888 and to the rules promulgated under section 9227. The department may access the information contained in the registry when necessary to fulfill its duties under this code.

(3) Upon receipt of a written request from an individual who is 20 years of age or older, the department shall make any immunization information in the registry pertaining to that individual inaccessible. The written request shall be in a form prescribed or otherwise authorized by the department.

History: Add. 1996, Act 540, Imd. Eff. Jan. 15, 1997;—Am. 2006, Act 91, Imd. Eff. Apr. 4, 2006.

Popular name: Act 368

333.9208 Certificate of immunization or statement of exemption; presentation to school officials; minimum doses of immunizing agent; updated certificate.

Sec. 9208. (1) A parent, guardian, or person in loco parentis applying to have a child registered for the first time in a school in this state and, beginning in 2002-2003, a parent, guardian, or person in loco parentis of a child entering the sixth grade, shall present to school officials, at the time of registration or not later than the first day of school, a certificate of immunization or statement of exemption under section 9215.

(2) A teacher or principal shall not permit a child to enter or attend school unless a certificate indicating that a minimum of 1 dose of an immunizing agent against each of the diseases specified by the department has been received and certified to by a health professional or local health department. A parent, guardian, or person in loco parentis having a child registered with only these minimum doses of immunizing agents shall present an updated certificate of immunization within 4 months after initial attendance showing that the immunizations have been completed as prescribed by the department.

History: 1978, Act 368, Eff. Sept. 30, 1978;—Am. 2000, Act 90, Imd. Eff. May 1, 2000.

Popular name: Act 368

333.9209 Immunization status of kindergarten and first grade students; minimum percentage levels of immunization; raising immunization level; report of additional immunizations; form of report; exclusion of child from school attendance.

Sec. 9209. (1) Before November 1 of each year, the principal or administrator of each school shall deliver to the state and local health departments a list of the immunization status at the time of school entry of new entering kindergarten and first grade students.

(2) The department shall prescribe minimum percentage levels of immunization for children in a school.

(3) As a result of the information collected pursuant to subsection (1), the local health officer shall take appropriate action, including immunization clinics, to raise the immunization level of children entering school to the levels established pursuant to subsection (2).

(4) Before the following February 1, the principal or administrator of each school shall update the list to show the additional immunizations received by each child since entering the school. The reports shall be made on forms provided or approved by the department. A child who enters school in September and who has not completed the immunizations required under section 9227 and has not filed an exemption under section 9215 before February 1 shall be excluded from school attendance. A child who enters school at any other time of the school year and who has not completed the immunizations required under section 9227 and has not filed an exemption under section 9215 within 4 months after entrance shall be excluded from school attendance.

History: 1978, Act 368, Eff. Sept. 30, 1978.

Popular name: Act 368

333.9211 Preschool aged child registered in program of group residence, care, or camping; certificate of immunization or statement of exemption; minimum dose of immunizing agent; updated certificate; report of immunization status.

Sec. 9211. (1) A parent, guardian, or person in loco parentis applying to have a preschool aged child registered in a program of group residence, care, or camping shall present to the operator of the program at the time of registration or not later than the first day of the program a certificate of immunization or a statement of exemption under section 9215. The operator of the group program shall not permit a child to attend the group activity unless a minimum of 1 dose of an immunizing agent against each of the diseases specified by

the department has been received and certified to by a health professional or local health department. A parent, guardian, or person in loco parentis of a child registered with only these minimum doses of an immunizing agent and continuing enrollment in the group program shall present an updated certificate of immunization within 4 months after initial attendance showing that the immunizations have been completed as prescribed by the department, if the child remains in the program.

(2) Upon request by the department or local health department, a program operator shall report to the state and local health departments the immunization status of each child accepted.

History: 1978, Act 368, Eff. Sept. 30, 1978.

Popular name: Act 368

333.9212 Immunization requirements of MCL 333.9208 as condition for admission to grade in public or nonpublic school.

Sec. 9212. If the immunization level in any grade in a public or nonpublic school in this state falls below the level necessary to guard against the spread of disease within the grade or school as determined by the director or the local health department, the board of the local school district in which the public school is located or the governing body of the nonpublic school may designate the immunization requirements set forth in section 9208 as a condition for admission to the grade in which the immunization level is low.

History: Add. 1980, Act 285, Imd. Eff. Oct. 13, 1980.

Popular name: Act 368

333.9215 Exemptions.

Sec. 9215. (1) A child is exempt from the requirements of this part as to a specific immunization for any period of time as to which a physician certifies that a specific immunization is or may be detrimental to the child's health or is not appropriate.

(2) A child is exempt from this part if a parent, guardian, or person in loco parentis of the child presents a written statement to the administrator of the child's school or operator of the group program to the effect that the requirements of this part cannot be met because of religious convictions or other objection to immunization.

History: 1978, Act 368, Eff. Sept. 30, 1978.

Popular name: Act 368

333.9221 Enforcement; cooperation.

Sec. 9221. The departments of education and social services shall cooperate with the department in the administration and enforcement of this part.

History: 1978, Act 368, Eff. Sept. 30, 1978.

Popular name: Act 368

333.9227 Rules.

Sec. 9227. (1) The department shall promulgate rules to implement this part, including, but not limited to, rules governing all of the following:

- (a) Age periods for immunizations.
- (b) The minimum ages at which immunization may be commenced.
- (c) The minimum number of doses required during a specified time period.
- (d) Minimum levels of immunization for children in school.
- (e) Reporting under section 9206(3).
- (f) The acquisition, maintenance, and dissemination of information contained in the registry established under section 9207.

(2) The department shall promulgate rules to implement the expansion of the registry to include the reporting and recording of additional information such as lead screening performed on children.

History: 1978, Act 368, Eff. Sept. 30, 1978;—Am. 1996, Act 540, Imd. Eff. Jan. 15, 1997;—Am. 2006, Act 91, Imd. Eff. Apr. 4, 2006.

Popular name: Act 368

Administrative rules: R 325.171 et seq. and R 325.3501 et seq. of the Michigan Administrative Code.

333.9229 Violation as misdemeanor.

Sec. 9229. A person who violates this part or a rule promulgated under this part is guilty of a misdemeanor.

History: 1978, Act 368, Eff. Sept. 30, 1978.

Popular name: Act 368