GRAPHIC IMAGES IN THE

MICHIGAN REGISTER

COVER DRAWING

_Michigan State Capitol:_

This image, with flags flying to indicate that both chambers of the legislature are in session, may have originated as an etching based on a drawing or a photograph. The artist is unknown. The drawing predates the placement of the statue of Austin T. Blair on the capitol grounds in 1898.

(Michigan State Archives)

PAGE GRAPHICS

_Capitol Dome:_

The architectural rendering of the Michigan State Capitol’s dome is the work of Elijah E. Myers, the building’s renowned architect. Myers inked the rendering on linen in late 1871 or early 1872. Myers’ fine draftsmanship, the hallmark of his work, is clearly evident.

Because of their size, few architectural renderings of the 19th century have survived. Michigan is fortunate that many of Myers’ designs for the Capitol were found in the building’s attic in the 1950’s. As part of the state’s 1987 sesquicentennial celebration, they were conserved and deposited in the Michigan State Archives.

(Michigan State Archives)

_East Elevation of the Michigan State Capitol:_

When Myers’ drawings were discovered in the 1950’s, this view of the Capitol – the one most familiar to Michigan citizens – was missing. During the building’s recent restoration (1989-1992), this drawing was commissioned to recreate the architect’s original rendering of the east (front) elevation.

(Michigan Capitol Committee)
Michigan Register

Published pursuant to § 24.208 of
The Michigan Compiled Laws

Issue No. 23—2019
(This issue, published January 1, 2020, contains documents filed from December 1, 2019 to December 15, 2019)

Compiled and Published by the Michigan Office of Administrative Hearings and Rules
Gretchen Whitmer, Governor

Garlin Gilchrist, Lieutenant Governor
PREFACE

PUBLICATION AND CONTENTS OF THE MICHIGAN REGISTER

The Office of Regulatory Reform publishes the *Michigan Register*.

While several statutory provisions address the publication and contents of the *Michigan Register*, two are of particular importance.

**24.208 Michigan register; publication; cumulative index; contents; public subscription; fee; synopsis of proposed rule or guideline; transmitting copies to office of regulatory reform.**

Sec. 8.

(1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

(a) Executive orders and executive reorganization orders.

(b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.

(c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.

(d) Proposed administrative rules.

(e) Notices of public hearings on proposed administrative rules.

(f) Administrative rules filed with the secretary of state.

(g) Emergency rules filed with the secretary of state.

(h) Notice of proposed and adopted agency guidelines.

(i) Other official information considered necessary or appropriate by the office of regulatory reform.

(j) Attorney general opinions.

(k) All of the items listed in section 7(m) after final approval by the certificate of need commission under section 22215 of the public health code, 1978 PA 368, MCL 333.22215.

(2) The office of regulatory reform shall publish a cumulative index for the Michigan register.

(3) The Michigan register shall be available for public subscription at a fee reasonably calculated to cover publication and distribution costs.

(4) If publication of an agency's proposed rule or guideline or an item described in subsection (1)(k) would be unreasonably expensive or lengthy, the office of regulatory reform may publish a brief synopsis of the proposed rule or guideline or item described in subsection (1)(k), including information on how to obtain a complete copy of the proposed rule or guideline or item described in subsection (1)(k) from the agency at no cost.

(5) An agency shall electronically transmit a copy of the proposed rules and notice of public hearing to the office of regulatory reform for publication in the Michigan register.
Sec. 203.

(1) The Michigan register fund is created in the state treasury and shall be administered by the office of regulatory reform. The fund shall be expended only as provided in this section.

(2) The money received from the sale of the Michigan register, along with those amounts paid by state agencies pursuant to section 57 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.257, shall be deposited with the state treasurer and credited to the Michigan register fund.

(3) The Michigan register fund shall be used to pay the costs of preparing, printing, and distributing the Michigan register.

(4) The department of management and budget shall sell copies of the Michigan register at a price determined by the office of regulatory reform not to exceed the cost of preparation, printing, and distribution.

(5) Notwithstanding section 204, beginning January 1, 2001, the office of regulatory reform shall make the text of the Michigan register available to the public on the internet.

(6) The information described in subsection (5) that is maintained by the office of regulatory reform shall be made available in the shortest feasible time after the information is available. The information described in subsection (5) that is not maintained by the office of regulatory reform shall be made available in the shortest feasible time after it is made available to the office of regulatory reform.

(7) Subsection (5) does not alter or relinquish any copyright or other proprietary interest or entitlement of this state relating to any of the information made available under subsection (5).

(8) The office of regulatory reform shall not charge a fee for providing the Michigan register on the internet as provided in subsection (5).

(9) As used in this section, “Michigan register” means that term as defined in section 5 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.205.

CITATION TO THE MICHIGAN REGISTER

The Michigan Register is cited by year and issue number. For example, 2001 MR 1 refers to the year of issue (2001) and the issue number (1).

CLOSING DATES AND PUBLICATION SCHEDULE

The deadlines for submitting documents to the Michigan Office of Administrative Hearings and Rules for publication in the Michigan Register are the first and fifteenth days of each calendar month, unless the submission day falls on a Saturday, Sunday, or legal holiday, in which event the deadline is extended to include the next day which is not a Saturday, Sunday, or legal holiday. Documents filed or received after 5:00 p.m. on the closing date of a filing period will appear in the succeeding issue of the Michigan Register.

The Michigan Office of Administrative Hearings and Rules is not responsible for the editing and proofreading of documents submitted for publication.

Documents submitted for publication should be delivered or mailed in an electronic format to the following address: MICHIGAN REGISTER, Michigan Office of Administrative Hearings and Rules, Ottawa Building – Second Floor, 611 W. Ottawa, Lansing, MI 48909
RELATIONSHIP TO THE MICHIGAN ADMINISTRATIVE CODE

The *Michigan Administrative Code* (1979 edition), which contains all permanent administrative rules in effect as of December 1979, was, during the period 1980-83, updated each calendar quarter with the publication of a paperback supplement. An annual supplement contained those permanent rules, which had appeared in the 4 quarterly supplements covering that year.

Quarterly supplements to the Code were discontinued in January 1984, and replaced by the monthly publication of permanent rules and emergency rules in the *Michigan Register*. Annual supplements have included the full text of those permanent rules that appear in the twelve monthly issues of the *Register* during a given calendar year. Emergency rules published in an issue of the *Register* are noted in the annual supplement to the Code.

SUBSCRIPTIONS AND DISTRIBUTION

The *Michigan Register*, a publication of the State of Michigan, is available for public subscription at a cost of $400.00 per year. Submit subscription requests to: Michigan Office of Administrative Hearings and Rules, Ottawa Building – Second Floor, 611 W. Ottawa, Lansing, MI 48909. Checks Payable: State of Michigan. Any questions should be directed to the Michigan Office of Administrative Hearings and Rules (517) 335-8658.

INTERNET ACCESS

The *Michigan Register* can be viewed free of charge on the Internet web site of the Michigan Office of Administrative Hearings and Rules: www.michigan.gov/lara/0,4601,7-154-89334_10576_92306---,00.html.

Issue 2000-3 and all subsequent editions of the *Michigan Register* can be viewed on the Michigan Office of Administrative Hearings and Rules Internet web site. The electronic version of the *Register* can be navigated using the blue highlighted links found in the Contents section. Clicking on a highlighted title will take the reader to related text, clicking on a highlighted header above the text will return the reader to the Contents section.
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MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(f) Administrative rules filed with the secretary of state.”
R 400.1901, R 400.1902, R 400.1903, R 400.1905, R 400.1906, R 400.1907, R 400.1908, R 400.1909, R 400.1910, R 400.1911, R 400.1912, R 400.1913, R 400.1914, R 400.1915, R 400.1916, R 400.1917, R 400.1918, R 400.1919, R 400.1920, R 400.1921, R 400.1922, R 400.1923, R 400.1924, R 400.1931, R 400.1932, R 400.1933, R 400.1934, R 400.1935, R 400.1936, R 400.1941, R 400.1942, R 400.1943, R 400.1944, R 400.1945, R 400.1951, R 400.1952, R 400.1961, R 400.1962, and R 400.1963 of the Michigan Administrative Code are amended, R 400.1904 is rescinded, and R 400.1904a, R 400.1904b, R 400.1925, and R 400.1926 are added, as follows:

R 400.1901 Definitions.

Rule 1. (1) As used in these rules:
(a) "Act" means 1973 PA 116, MCL 722.111 to 722.128.
(b) "Adult" means a person 18 years of age and older.
(c) “Applicant” means an individual who applies for a license to operate a family or group child care home.
(d) "Basement" means a story of a building or structure having ½ or more of its clear height below average grade for at least 50% of the perimeter.
(e) “Child care assistant” means an individual who is 14 to 17 years of age, who participates in child care activities in a family or group child care home, and who shall not have unsupervised access to or provide unsupervised care or supervision of children.
(f) “Child care background check system” means the database maintained by the department to document comprehensive background checks and eligibility determinations, pursuant to section 5n of the act, MCL 722.115n.
(g) “Child care home” means a family child care home and a group child care home.
(h) “Child care staff member” means that term as defined in section 1(a) of the act, MCL 722.111(a).
(i) "Child passenger restraint device" means a device that is used to restrain, seat, or position a child weighing 65 pounds or less that meets the requirements of federal motor vehicle safety standard No. 213, child restraint systems, 49 CFR 571.213 (2019), which is hereby adopted by reference.
(j) "Child-use space" means the rooms and floor levels of the home approved by the department for child care.
(k) “Cleaned” means washed vigorously with soap and water and rinsed with clean water.
(l) "Combustible" means materials that will ignite and burn when subjected to a fire or excessive heat.
(m) “Comprehensive background check” means a department review of an individual as required in section 5n of the act, MCL 722.115n.
(n) “Conducive to the welfare of children” means that term as defined in section 5m(13)(b) of the act, MCL 722.115m(13)(b).
(o) “Continuously employed child care staff member” and “continuously connected adult household member” means an individual who has not been disconnected for more than 180 days from the child care background check system and has continuously resided in Michigan for the immediately preceding 5-year period, as required in sections 5n(15) and 5n(16) of the act, MCL 722.115n(15) and 722.115n(16).
(p) “Conviction” means that term as defined in section 1(i) of the act, MCL 722.111(i).
(q) “Criminal history check” means that term as defined in section 1(j) of the act, MCL 722.111(j).
(r) "Department" means the department of licensing and regulatory affairs.
(s) “Eligible” means that term as defined in section 1(m) of the act, MCL 722.111(m).
(t) “Family child care home” means that term as defined in section 1(o)(iii) of the act, MCL 722.111(o)(iii).
(u) "Field trip" means children and personnel leaving the child care home premises for an excursion, trip, or program activity.
(v) "Fire alarm" means a device that is used to alert all persons in the home of fire conditions. The device must be heard in all parts of the home that are approved for use by children.
(w) "Foster child" means a person who resides in a foster home, who was placed in the foster home by a placing agent, who is not living with a parent or legal guardian, who is less than 18 years of age or becomes 18 years of age while residing in the foster home and continues to reside in the foster home as a dependent adult, and who is not related to an adult member of the foster family by blood, adoption, or marriage.
(x) “Group child care home” means that term as defined in section 1(o)(iv) of the act, MCL 722.111(o)(iv).
(y ) "Heat detector" means a single or multiple station alarm responsive to heat.
(z) “Ineligible” means that term as defined in section 1(n) of the act, MCL 722.111(n).
(aa) "Licensee" means that term as defined in section 1(q) of the act, MCL 722.111(q).
(bb) "Means of egress" means the exit route from any point in the home to the outside at ground level.
(cc) “Member of the household” means that term as defined in section 1(s) of the act, MCL 722.111(s).
(dd) "Minor" means a person less than 18 years of age.
(ee) “MiRegistry” is the electronic data system for child care providers to verify and track employment, training, and educational accomplishments, which is maintained by the department of education. MiRegistry offers a statewide calendar of online and classroom training opportunities. MiRegistry can be accessed online at http://www.miregistry.org.
(ff) "Nonprescription medication" means any over-the-counter medication that may be orally ingested or applied to the skin, including but not limited to: aspirin, acetaminophen, cold and flu medicines, mosquito repellants, antiseptics, ointments, powders, and diaper rash products.
(gg) “Nighttime care” means child care provided between midnight to 5:00 a.m.
(hh) "Parent" means a child's natural or adoptive parent who is legally responsible for the child or the child's legal guardian.
(ii) “Permanently resides” means the address is the individual’s primary residence and his or her presence in the home is not contingent upon caring for children.
(jj) “Personnel” means a licensee, child care staff member, and child care assistant.
(kk) "Premises" means the location of the child care home where the licensee and family reside and includes the attached yard, garage, basement, non-child use space, and any other outbuildings.
(ll) "Related" means that term as defined in section 1(y) of the act, MCL 722.111(y).
(mm) "Routine transportation" means regularly scheduled travel on the same day of the week, at the same time, to the same destination. Any deviation is non-routine transportation.
(nn) "Safety belt" means an automobile lap belt or lap-shoulder belt combination designed to restrain and protect a passenger or driver of a vehicle from injury.
(oo) "Sanitized" means to wipe or spray the surface with a sanitizing solution, let the surface air dry or wipe dry after two minutes, or according to the manufacturer’s directions, with a single service towel.
(pp) "Serious injury" means that term as defined in section 2b of 1973 PA 116, MCL 722.112b.
(qq) "Smoke detector" means a device that detects visible or invisible particles of combustion.
(rr) "Supervised volunteer" means an individual who is 16 years of age or older, provides services for a child care home that are not compensated, and who is supervised at all times when children are in care.
(ss) "Transportation" means the taking of children by means of a vehicle to or from a family or group child care home and to and from all other activities planned by or through the family or group child care home.
(tt) "Unsupervised volunteer" means an individual who is 18 years of age or older, provides services for a child care home that are not compensated, and who has been determined eligible by the department to be unsupervised with children.
(uu) "Vehicle" means an automobile, truck, or van that transports persons upon a highway.
(vv) "Water activities" mean activities in residential pools, lakes, ponds, or other bodies of water. Water activities do not include water play activities such as water table play, slip and slide activities, wading pools, or playing in sprinklers.
(2) A term defined in the act has the same meaning when used in these rules.

R 400.1902 Applicant; licensee; requirements.
Rule 2. (1) An applicant and a licensee shall meet all of the following requirements:
(a) Be 18 years of age or older.
(b) Have a high school diploma, general educational development (GED) certificate, or approved training track and hours for child care home providers through MiRegistry.
(c) Permanently reside in the child care home as a member of the household.
(d) Have proof of certification in both of the following:
   (i) Infant, child, and adult cardiopulmonary resuscitation (CPR).
   (ii) First aid.
(e) Have documentation of completed training in both of the following:
   (i) Recognition and reporting of child abuse and neglect.
   (ii) Prevention and control of infectious disease, including immunizations.
(f) Attend an orientation provided by the department.
(2) An applicant or licensee shall be of responsible character and shall be suitable and able to meet the needs of children and provide for their care, supervision, and protection.
(3) All persons, including minors, residing in the child care home shall meet all of the following requirements:
   (a) Be suitable to meet the needs of children.
   (b) Be able to ensure that services and facilities are conducive to the welfare of children.
   (c) Act in a manner that is conducive to the welfare of children.
   (d) Demonstrate a willingness and ability to comply with the act and these rules.
(4) The applicant and licensee shall submit all required information and reports using the specified forms, which are available on the child care licensing division’s website: www.michigan.gov/michildcare. These forms are also available at the Michigan Department of
R 400.1903 Licensee responsibilities.

Rule 3. (1) A licensee shall be responsible for all of the following:

(a) When the child care home is in operation, the licensee shall be present in the home on a daily basis and provide direct care and supervision for the majority of time children are in care, except for any of the following circumstances:

(i) Vacation or personal leave, which must not exceed 20 days within a calendar year. The 20 days of vacation or personal leave means the licensee is absent the entire day or at least 51% of the day when the child care home is operating. A licensee may have a short periodic absence from the home.

(ii) Medical treatment and subsequent recovery.

(b) The exceptions in subrule (1)(a) of this rule do not include other part-time or full-time employment that occurs during the hours of operation of the child care home.

(c) Provide for a child care staff member, who has valid CPR and first aid certifications, to act on behalf of the licensee when the licensee is unable or unavailable to provide direct care.

(d) Inform parents when a child care staff member is providing care in the absence of the licensee.

(e) Maintain a record of the dates of licensee absences. These records must be maintained for a minimum of 4 years.

(f) Post the current license in a conspicuous place within the child care home during the hours of operation.

(g) Report to the department within, 3 business days, any changes in the household composition or when any new or existing member of the household or child care personnel has any of the following:

(i) An arrest.

(ii) A conviction.

(iii) An arraignment for an offense that if convicted would lead to that individual’s ineligibility to be connected with a child care home.

(iv) Is being investigated by the state department of health and human services for an allegation of child abuse or neglect.

(v) Is under court supervised parole or probation.

(vi) Has been admitted to, or released from, a correctional facility.

(vii) Has been admitted to or released from a health facility or agency that was providing mental health or substance use disorder treatment services to the individual.

(h) The report required in subdivision (g) of this subrule shall be made using the department’s form named Notification of Changes in Status – Family and Group Child Care Homes, which is labeled BCAL-1485.

(i) Notify personnel of their duty to report to the licensee any actions listed in this rule.

(j) For any member of the household or personnel who has been treated on an inpatient or outpatient basis for an emotional, mental, or substance use disorder during the last 2 years, the licensee shall provide to the department a written statement verifying the individual’s fitness to care for or be associated with children. This statement must be obtained from the medical or mental health professional who is directly involved in the individual’s treatment plan or the administrator of the health facility or agency that provided services to the individual.

(k) Immediately report to children's protective services any suspected child abuse or neglect and ensure compliance with the child protection law, 1975 PA 238, MCL 722.621 to 722.638.

(l) Have a written policy and procedure for the screening and supervision of volunteers, if applicable, including volunteers who are parents of a child in care.
(2) The licensee shall ensure that a child is released only to persons authorized in writing by the parent.

(3) The licensee shall permit parents of enrolled children who are in attendance to visit the child at the child care home at any time during hours of operation, as required in section 3a of the act, MCL 722.113a.

(4) The licensee shall cooperate with the department in connection with an inspection or investigation, as required in section 10(1) of the act, MCL 722.120(1). Cooperation includes, but is not limited to, all of the following:
   (a) Admit authorized members of the department into the approved child caring areas of the child care home and provide access to all records, individuals, and other materials necessary to determine compliance with the act and these rules.
   (b) Allow the department to perform routine investigative functions during the course of an investigation, inspection, or examination. Routine investigative functions include, but are not limited to, both of the following:
      (i) Interviewing potential witnesses, such as child care staff members, members of the household, and volunteers.
      (ii) Taking photographs to assess and document the conditions of the child care home and its compliance with the act and these rules.
   (c) Provide accurate and truthful information to the department, and encourage witnesses to provide accurate and truthful information to the department.

(5) The licensee shall ensure that all personnel, members of the household, and conduct themselves in a manner that is conducive to the welfare of children.

(6) The licensee shall have present at all times at least 1 person who can accurately comprehend all of the following information:
   (a) The act, these rules, and any additional communications from the department.
   (b) Child information cards.
   (c) Written directions about a child’s care.
   (d) Information about food, cleaning, and chemical labels that can impact a child’s well-being.
   (e) Written medication directions for a child.
   (f) Information needed to effectively implement emergency procedures.

(7) The licensee shall cooperate with the department by ensuring that all individuals requiring a comprehensive background check are entered into the child care background check system and processed for eligibility as required by section 5n of the act, MCL 722.115n, and R 400.1925.

(8) To comply with section 3c of the act, MCL 722.113c, a licensee shall have a policy and procedure on smoking and vaping that includes all of the following:
   (a) Ensure that smoking and vaping do not occur in child-use space, on the premises of a child care home while children are in care, and in a vehicle when used to transport children who are in care.
   (b) Conspicuously post on the premises a notice stating that smoking and vaping are prohibited on the premises during child care hours.
   (c) Notify parents if smoking or vaping occurs in the child care home and on the premises when children are not in care.

(9) Provide identifying information to the department on both of the following individuals who are associated with the child care license:
   (a) Licensee.
   (b) Adult household member.

(10) The information required in subrule (9) of this rule shall be provided to the department on the department’s form named Child Care Licensing Information Request, which is labeled BCHS CC-001.
R 400.1904 Rescinded.

R 400.1904a Child care staff member; employment requirements.
   Rule 4a. (1) An individual who is employed as a child care staff member in a child care home shall be 18 years of age or older, pursuant to section 1 of the act, MCL 722.111.
   (2) Before caring for children at a child care home, an individual shall provide the licensee with all of the following:
       (a) A valid certification in infant, child, and adult CPR.
       (b) A valid certification in first aid.
       (c) Proof of training in the prevention of infectious disease, including immunizations. Hours of training in the prevention of infectious disease from MiRegistry will be allowed to count for training hours to meet this requirement.
   (3) Prior to contact with children, the individual shall be determined by the department to be eligible to serve as a child care staff member, pursuant to section 5n of the act, MCL 722.115n, and as required by R 400.1925.
   (4) A child care staff member shall conduct himself or herself in a manner that is conducive to the welfare of children and be able to meet the needs of children and provide for their care, supervision, and protection.
   (5) A child care staff member may substitute for the licensee pursuant to R 400.1903(1)(c).

R 400.1904b Child care assistant; requirements.
   Rule 4b. (1) A child care assistant shall be 14 to 17 years of age.
   (2) Prior to contact with children, the individual shall be determined by the department to be eligible to serve as a child care assistant, as required by R 400.1925.
   (3) Within 90 days of hire, a child care assistant shall provide the licensee all of the following:
       (a) A valid certification in infant, child, and adult CPR.
       (b) A valid certification in first aid.
       (c) Proof of training in the prevention of infectious disease, including immunizations. Hours of training in the prevention of infectious disease from MiRegistry will be allowed to count for training hours to meet this requirement.
   (4) A child care assistant shall be supervised directly at all times by the licensee or a child care staff member who is present on site and can observe the child care assistant.
   (5) A child care assistant shall conduct himself or herself in a manner that is conducive to the welfare of children.
   (6) A child care assistant shall not substitute for the licensee or a child care staff member.
   (7) A child care assistant shall not drive a vehicle that is transporting children.
   (8) The licensee is responsible for the actions of a child care assistant who has contact with or access to children who are cared for in a child care home.

R 400.1905 Training.
   Rule 5. (1) A licensee shall complete not less than 10 clock hours of training each calendar year related to child development, program planning, and administrative management for a child care business, not including CPR, first aid, and infectious disease, including immunizations, training.
(2) A child care staff member and a child care assistant shall complete not less than 5 clock hours of training each calendar year related to child development and caring for children, not including CPR, first aid, and infectious disease, including immunizations, training.

(3) A licensee shall ensure that child care staff members and child care assistants, prior to caring for children, have training that includes information on all of the following:
   (a) Safe sleep practices to prevent sudden infant death syndrome.
   (b) Recognition of and the reporting of child abuse and neglect.
   (c) Prevention of shaken baby syndrome, abusive head trauma, and child maltreatment.

(4) Within 90 days after receiving a child care license or of being hired at a child care home, a licensee, a child care staff member, and a child care assistant shall complete training on all of the following topics:
   (a) Child development.
   (b) Administration of medication.
   (c) Prevention of and response to emergencies due to food and allergic reactions.
   (d) Handling and storage of hazardous materials and the appropriate disposal of bio-contaminants.
   (e) Precautions in transporting children.
   (f) Building and physical premises safety.
   (g) All hazards emergency preparedness and response planning.

(5) Training hours may include completion of any of the following:
   (a) Sessions offered by community groups, faith-based organizations, and child care home associations.
   (b) Trainings, workshops, seminars, and conferences on early childhood, child development, or child care administration offered by early childhood organizations.
   (c) Workshops and courses offered by local or intermediate school districts, colleges, and universities.
   (d) Online courses.
   (e) Training and courses offered through MiRegistry.

(6) Completion of the required training must be verified by a document, signed by the trainer or an authorized individual, which must be kept on file or available online at MiRegistry.

(7) CPR and first aid training certification must be maintained according to the expiration dates on the individual’s certification cards.

(8) The department may require additional training for violations based on the act or these rules. The additional training may include, but is not limited to, the safe sleep training available on MiRegistry or attending another orientation session conducted by the department.

(9) When the department of licensing and regulatory affairs or the department of education publishes a notice that a new health and safety update document or a new health and safety update training activity has been published on MiRegistry, the licensee shall ensure that all personnel read and acknowledge the document or complete the activity within 6 months of the notice.

R 400.1906 Records of a licensee; child care staff member; child care assistant.

Rule 6. (1) A licensee shall maintain a file for each child care staff member and each child care assistant that includes all of the following:
   (a) The individual’s first and last name, address, telephone number, and date of hire.
   (b) Daily records detailing arrival times and departure times at the child care home.
(c) A statement signed by a licensed physician or his or her designee that attests to the individual’s mental and physical health, and which must be updated as follows:
   (i) For an applicant or licensee, within 1 year before issuance of the initial license and at the time of subsequent renewals.
   (ii) For a child care staff member and a child care assistant, within 1 year prior to caring for children and at the time of subsequent renewals of the child care home’s license.
   (d) Other physician attestations and records as required in R 400.1919.
   (e) Training records, as defined in R 400.1905(5), which may also be viewed online at MiRegistry during an on-site inspection.
   (f) A completed and signed Michigan Child Care Background Check Consent and Disclosure form as required in R 400.1925.
   (g) A written statement, signed and dated by the child care staff member or child care assistant at the time of hiring, indicating all of the following information:
      (i) The individual is aware that abuse and neglect of children is unlawful.
      (ii) The individual knows that he or she is mandated by law to report child abuse and neglect.
      (iii) The individual has received a copy of the licensee’s discipline policy.
   (2) The records in this rule must be retained for the duration of the individual’s employment and a minimum of 4 years after the individual has left the employment of the licensee.

R 400.1907 Child’s record.
    Rule 7. (1) Prior to a child’s initial attendance, a licensee shall obtain the following documents:
       (a) A completed child information card on a form provided by the department or a comparable substitute approved by the department.
       (b) A child in care statement or receipt using a form provided by the department and signed by the parent certifying all of the following:
          (i) Receipt of a written disciplinary policy.
          (ii) Condition of the child's health.
          (iii) Acknowledgement that the parent has been offered either a copy of the licensing rules for a child care home or has been given the website for an electronic copy of these rules.
          (iv) Agreement as to who will provide food for the child.
          (v) Acknowledgement that firearms are on the premises, if applicable.
          (vi) If the child care home was built prior to 1978, then the licensee shall inform the parents of each child in care and all personnel of the potential presence of lead-based paint or lead dust hazards, unless the licensee maintains documentation from a lead testing professional that the home is lead safe.
       (c) Documentation that immunizations and boosters, as recommended by the state department of health and human services, are any of the following:
          (i) Have been completed.
          (ii) Are in progress.
          (iii) Are not being administered due to religious, medical, or other reasons based on a waiver signed by the parent.
       (d) If a parent objects to emergency medical treatment on religious grounds, the parent shall provide a signed statement that he or she assumes responsibility for all emergency care.
    (2) Records in subrule (1) of this rule must be reviewed and updated annually or when information changes.
    (3) Dated daily attendance records of children in care must be maintained and include the child's first and last name and the time of arrival and departure. Electronic records may be used. If electronic records are used, they must be available to the department at the time of the inspection. If electronic
attendance records are not available during an on-site inspection, the child care home is in violation of this rule.

(4) Children’s records required by the department must be immediately accessible and stored in a location known to all personnel.

(5) The records in this rule must be retained for a minimum of 4 years from the date a child is no longer being cared for in the child care home.

R 400.1908  Capacity.

Rule 8. (1) The licensee shall ensure that the actual number of unrelated children in care at any 1 time does not exceed the number of children for which the child care home is licensed, not more than 6 children for a family child care home and not more than 12 children for a group child care home.

(2) This rule is not subject to the variance specified in R 400.1963.

R 400.1909  Concurrent licensing.

Rule 9. (1) A licensee who is concurrently licensed as a children's foster home provider shall so inform the parents of the children in care.

(2) A licensee who provides care for both child care and foster care children shall not care for more than 12 children, including all of the following:

(a) Children who are under 17 years of age and who are related to the licensee by blood, marriage, adoption, or legal guardianship.

(b) The capacity of foster children identified on the foster care license.

(c) All other children who are cared for on a part-time or full-time basis.

(3) A licensee shall notify the department when applying for a foster care license.

(4) The department has the right to refuse concurrent licensing for child care if the health and safety of child care children could be at risk.

R 400.1910  Ratio of personnel to children.

Rule 10. (1) The ratio of personnel to children present in the home at any 1 time must be not less than 1 member of the personnel to 6 children. The ratio must include all children in care who are not related to any personnel and any of the following children who are less than 6 years of age:

(a) Children of the licensee.

(b) Children of a child care staff member or child care assistant.

(c) Children related to any member of the household by blood, marriage, or adoption.

(2) For each member of the personnel, not more than 4 children shall be under the age of 30 months, with not more than 2 of the 4 children under the age of 18 months.

R 400.1911  Care; supervision; children.

Rule 11. (1) A licensee shall ensure appropriate care and supervision of children at all times.

(2) A licensee or a child care staff member shall be present in the home at all times when children are in care.

(3) A licensee and child care staff members shall be up and awake at all times when children are in care, except as provided in R 400.1922(2) of these rules.

(4) A licensee and child care staff members shall know the location of each child at all times.

(5) A licensee and child care staff members shall never leave a child unattended or with a minor in a vehicle.
(6) A licensee or child care staff member shall at all times directly supervise children who are engaged in water activities or are near collections or bodies of water.

R 400.1912 Infant; child; resting; sleeping; supervision.
Rule 12. (1) Infants, birth to 12 months of age, shall be placed on their backs for resting and sleeping.
(2) Infants unable to roll from their stomachs to their backs, and from their backs to their stomachs, shall be placed on their backs when found in any other position.
(3) When infants can easily turn over from their stomachs to their backs and from their backs to their stomachs, they shall be initially placed on their backs, but allowed to adopt whatever position they prefer for sleeping.
(4) If a child has a health issue or a special need that requires the child sleep in an alternate position or in something other than a crib, porta-crib, or play yard for infants and toddlers, or cot or mat for toddlers, documentation from the child’s health care provider is required. The documentation must include specific sleeping instructions and time frames for how long the child needs to sleep in this manner and include an anticipated end date.
(5) Personnel shall maintain supervision and monitor infants' breathing, sleep position, bedding, and possible signs of distress, except as provided in R 400.1922.
(6) Video surveillance equipment and baby monitors must not be used in place of subrule (5) of this rule.

R 400.1913 Discipline; child handling.
Rule 13. (1) A licensee shall develop and have on file a written policy regarding the discipline of children.
(2) Developmentally appropriate positive methods of discipline that encourage self-control, self-direction, self-esteem, and cooperation must be used.
(3) Personnel shall not do any of the following:
   (a) Hit, spank, shake, bite, pinch, or inflict other forms of corporal punishment.
   (b) Use any substance in a child’s mouth such as, but not limited to, soap, hot sauce, or vinegar.
   (c) Restrict a child's movement by binding or tying him or her.
   (d) Inflict mental or emotional stress, such as humiliating, shaming, threatening a child, or using derogatory remarks.
   (e) Deprive a child of meals, snacks, rest, or necessary toilet use.
   (f) Confine a child in an enclosed area such as a closet, locked room, box, or similar enclosure.
   (g) Use time out for children under 3 years old.
(4) Reasonably appropriate discipline or restraint may be used to prevent a child from harming himself or herself, or to prevent a child from harming other persons or property, or to allow a child to gain control of himself or herself excluding those forms of punishment prohibited by subrule (3) of this rule.
(5) This rule is not subject to the variance specified in R 400.1963.

R 400.1914 Daily activity program.
Rule 14. (1) Personnel shall engage in positive interactions with children. For infants and toddlers, interactions may include, but are not limited to, all of the following:
   (a) Nurturing contact, such as talking to, holding, rocking, cuddling, and giving eye contact throughout the day and during daily routines such as feeding and diapering.
   (b) Promptly responding to a child's cries and other signs of distress.
(2) A licensee shall plan daily activities so that each child may do any of the following:
   (a) Develop and use language.
   (b) Develop and use large and small muscles.
   (c) Use materials and take part in activities that encourage creativity.
   (d) Learn new ideas and skills.
   (e) Participate in imaginative play.
   (f) Rest, sleep, or both.
(3) All of the following developmentally appropriate opportunities must be provided daily:
   (a) A balance of active and quiet play, group and individual activities.
   (b) Indoor and outdoor play, except during inclement or extreme weather, or unless otherwise
       ordered by a health care provider.
   (c) Early language and literacy experiences throughout the day accumulating for not less than 30
       minutes.
   (d) Early math and science experiences.
(4) Television, video tapes, movies, electronic devices, and computers must be limited to not more
   than 2 hours per day and to programs designed for children's education, enjoyment, or both. Other
   activities must be available to children during television and movie viewing.
(5) Programs and movies with violent or adult content, including soap operas, must not be permitted in
   child-use space while children are in care.
(6) The use of television, video tapes, movies, electronic devices, and computers by children in care
   must be suitable to the age of the child in terms of content and length of use.
(7) For children with special needs, a licensee shall work with the parents, medical personnel, or other
    relevant professionals to provide care in accordance with the child's identified needs and learning
    supports.

R 400.1915 Indoor space; play equipment and materials.
   Rule 15. (1) A child care home shall provide not less than 35 square feet per child of safe, usable,
   accessible indoor floor space, not including bathrooms and storage areas.
   (2) Only space that has received prior approval for child use by the department may be used for child
       care.
   (3) A variety of easily accessible activity choices must be available to a child that are safe and
       appropriate for a child at his or her stage of development. The number of choices must be based on the
       number of children who are permitted to attend the licensed child care home. All of the following apply
       to activity choices available:
       (a) Materials may include, but are not limited to, any of the following:
           (i) Books.
           (ii) Art supplies.
           (iii) Blocks and accessories.
           (iv) Large muscle equipment.
           (v) Manipulative toys.
           (vi) Musical equipment.
           (vii) Dramatic play materials.
       (b) All materials and equipment must be kept clean, free of hazards, and in good repair.
       (c) Toys and other play equipment soiled by secretion or excretion must be cleaned with soap and
           water, rinsed, and sanitized before being used by a child.
(4) A licensee shall not use any equipment, materials, or furnishings recalled or identified by the U.S. Consumer Product Safety Commission as being hazardous. These products are identified on the commission’s website at http://www.cpsc.gov.

(5) As required by section 15 of the children's product safety act, 2000 PA 219, MCL 722.1065, a licensee shall conspicuously post in the child care home an updated copy of the list of recalled or unsafe children's products that is provided by the department through its Michigan Child Care Matters (MCCM) online newsletter and available at the department’s website www.michigan.gov/mccmatters.  

(6) All children shall be protected from materials that could be swallowed or present a choking hazard. Toys or objects with removable parts less than 1 ¼ inches in diameter and less than 2 ¼ inches in length, as well as balls smaller than 1 ¾ inches in diameter are prohibited for children under 3 years of age.  

(7) Trampolines and bounce houses must not be used indoors by children in care.

R 400.1916 Bedding and sleeping equipment.  

Rule 16.  (1) All bedding and sleeping equipment must be in accordance with U.S. Consumer Product Safety Commission standards as approved for the age of the child using the equipment and must be clean, comfortable, safe, and in good repair. The standards are available at http://www.cpsc.gov.  

(2) All bedding and sleeping equipment must be cleaned before being used by another child.  

(3) All bedding used by children must be washed when soiled and weekly at a minimum.  

(4) All cribs, play yards, or porta-cribs must be equipped with a firm, tight-fitting mattress with a waterproof, washable covering, as recommended and approved by the U.S. Consumer Product Safety Commission.  

(5) Play yard mattresses must be purchased from the manufacturer of the play yard and be manufactured after February 19, 2014. Play yards must meet the Consumer Product Safety Commission safety standards for play yards, 16 CFR part 1221 (2019). Licensees shall comply with this subrule by December 31, 2019. These standards are available at http://www.cpsc.gov. They are also available for inspection and distribution at the Michigan Department of Licensing and Regulatory Affairs, Bureau of Community and Health Systems, Child Care Licensing Division, 611 W Ottawa, Lansing, MI 48933-1070.  

(6) Infants, birth to 12 months of age, shall rest or sleep alone in an approved crib, play yard, or porta-crib. This equipment must meet all of the following requirements:

(a) Cribs, porta-cribs and play yards must comply with the product safety standards issued by the Consumer Product Safety Commission, 16 CFR 1219 (2019), 16 CFR 1220 (2019), and 16 CFR 1221 (2019), which are available at http://www.cpsc.gov. These standards are also available for inspection and distribution at the Michigan Department of Licensing and Regulatory Affairs, Bureau of Community and Health Systems, Child Care Licensing Division, 611 W Ottawa, Lansing, MI 48933-1070.  

(b) A tightly fitted or snug bottom sheet must cover the crib or porta-crib mattress with no additional padding placed between the sheet and the mattress.  

(c) Stacking cribs must not be used.  

(7) An infant's head shall remain uncovered during sleep.  

(8) Soft objects, bumper pads, stuffed toys, blankets, quilts or comforters, pillows, and other objects that could smother an infant must not be placed with, under, or within reach of a resting or sleeping infant.  

(9) An infant who is less than 2 months of age may be swaddled with a sleeping sack swaddle attachment.  

(10) If an infant who is older than 2 months of age has a health issue or special need that requires the child to use a sleeping sack swaddle attachment, documentation of this health issue or special need from
the child's health care provider is required. This documentation must include specific sleeping
instructions and time frames for how long the child needs to sleep in this manner, including an end date.

11) Blankets must not be draped over cribs, porta-cribs, or play yards while they are in use.

12) Children 12 to 24 months of age shall rest or sleep alone in an approved crib, porta-crib, play
yard, or on a cot or mat sufficient for the child's length, size, and movement.

13) None of the following are approved sleeping equipment for children 24 months of age or
younger:
   (a) Infant car seats.
   (b) Infant seats.
   (c) Infant swings.
   (d) Bassinets.
   (e) High chairs.
   (f) Water beds.
   (g) Adult beds.
   (h) Soft mattresses.
   (i) Sofas.
   (j) Bean bags.
   (k) Other soft surfaces.

14) Children 24 months of age or younger who fall asleep in a space that is not approved for sleeping
shall be moved to approved sleeping equipment appropriate for their size and age.

15) Children over 24 months of age shall have an individual, age appropriate, clean, comfortable, and
safe place to sleep or rest. The floor may be used only when padded, warm, and free from drafts and
when there is a mat, sleeping bag, blanket, or similar piece of bedding between the floor and the child.

R 400.1917 Telephone.
   Rule 17. (1) Personnel shall have immediate access to an operable telephone within the child care
home at all times.
   (2) The telephone number must be made available to the department, personnel, and parents.
   (3) The licensee shall inform the department, personnel, and parents of any change in telephone
number.

R 400.1918 Medication; administration; procedures.
   Rule 18. (1) Medication, prescription or nonprescription, must be given to a child in care by a licensee
or a child care staff member only. A child care assistant shall not give medication to a child in care.
   (2) Medication, prescription or nonprescription, must be given or applied only with prior written
permission from a parent.
   (3) All medication must be in the original container, stored according to instructions, and clearly
labeled for a named child.
   (4) Prescription medication must have the pharmacy label indicating the physician's name, child's first
and last name, instructions, and name and strength of the medication, and must be given in accordance
with those instructions.
   (5) All medication must be kept out of the reach of children and returned to the child's parent when he
or she determines it is no longer needed or when it has expired.
   (6) A licensee or child care staff member shall give or apply prescription or non-prescription
medication according to the directions on the original container unless otherwise authorized by a written
order of the child's physician.
(7) A record of the date, time, and the amount of all medication given or applied must be maintained on a form provided by the department or a comparable substitute approved by the department.
(8) Topical nonprescription medication, including but not limited to sunscreen, insect repellant, and diaper rash ointment, is exempt from subrules (1) and (7) of this rule.
(9) The records required in this rule must be retained for a minimum of 4 years.

R 400.1919  Communicable disease; immunization; mental and physical health; physician attestation; tuberculosis.
Rule 19. (1) An applicant shall obtain a written statement, signed by a licensed physician or his or her designee within 1 year before issuance of the initial license, that attests to the applicant’s mental and physical health. The attestation must be renewed at the time of subsequent license renewals.
(2) A licensee shall obtain from a child care staff member and a child care assistant a written statement, signed by a licensed physician or his or her designee within 1 year prior to caring for children, that attests to the child care staff member’s or child care assistant’s mental and physical health. The attestation must be renewed at the time of subsequent renewals of the child care home’s license.
(3) An applicant, licensee, child care staff member, child care assistant, and a member of the household who is age 14 or older shall provide written evidence of freedom from communicable tuberculosis (TB) prior to caring for children or living in the child care home.
(4) An individual who lives in a child care home or who cares for children in a child care home, who has a suspected or confirmed case of a communicable disease, shall not come into contact with children in the home’s care. Communicable disease includes, but is not limited to, any of the following:
(a) Tuberculosis.
(b) Influenza.
(c) Measles.
(d) Whooping cough.
(e) Strep throat.
(f) Scarlet fever.
(g) Chicken pox.
(5) If immunizations, as recommended by the state department of health and human services, have not been given or completed for all minors who live in the child care home, then the licensee shall inform the parent of each child in care at the home and all personnel.
(6) The documents required in this rule must be retained by the licensee for a minimum of 4 years from the date the individual no longer resides in or cares for children in the child care home.

R 400.1920  Outdoor play area and equipment.
Rule 20. (1) A child care home shall provide a clean, safe, and hazard free outdoor play area, on the premises or within a reasonable walking distance of the home.
(2) The play area size must be 1 of the following:
(a) Not less than 400 square feet for a family child care home.
(b) Not less than 600 square feet for a group child care home.
(3) A licensee shall provide an adequate and varied supply of outdoor play equipment, materials, and furniture, that is all of the following:
(a) Appropriate to the developmental needs and interests of children.
(b) Appropriate to the number of children.
(c) Safe and in good repair.
(4) The outdoor play area and equipment must be organized to meet all of the following requirements:
(a) To separate active and quiet activities.
(b) For a clear and unobstructed view of the whole play area.
(c) To ensure that there are safe distances between equipment.
(5) When swings, climbers, slides, and other similar play equipment with a designated play surface above 30 inches are used, they must:
   (a) Not be placed over concrete, asphalt, or a similar surface, such as hard-packed dirt or grass.
   (b) Be safe, in good repair, and age-appropriate.
   (c) Be placed at least 6 feet from the perimeter of other play structures or obstacles.
(6) Trampolines must not be used outdoors by children in care.
(7) Bounce houses are permissible outdoors with direct supervision by a licensee or child care staff member, and pursuant to the manufacturer’s recommendations.
(8) Children in care shall not be permitted to ride all-terrain vehicles, motor bikes, go-carts, recreational, or other motorized vehicles.

R 400.1921 Water hazards; water activities.
   Rule 21. (1) A licensee shall ensure that barriers exist to prevent children from gaining access to any swimming pool, drainage ditch, well, natural or constructed pond, or other body of open water located on or adjacent to the property where the child care home is located. These barriers must be a minimum of 4 feet in height and appropriately secured to prevent children from gaining access to such areas.
   (2) A hot tub or spa pool must not be used when children are in care.
   (3) A hot tub or spa pool, whether indoors or outdoors, must be made inaccessible to children in care by the use of a locked hard cover.
   (4) A wading pool may be used when all of the following requirements are met:
      (a) It is clean and free of debris.
      (b) It is emptied and cleaned after each play period or immediately when it becomes dirty or contaminated.
      (c) It remains empty at all times when not in use.
   (5) Before use of a residential pool or any other body of water by children in care, a licensee shall ensure that the water is clean, safe, and sanitary, and that the children will be appropriately and adequately supervised.
   (6) Public swimming areas may be used only if a lifeguard is present.
   (7) If there are 2 groups of children, 1 group in the water and 1 group out of the water, then the personnel to child ratios, as required in R 400.1910, must be maintained for each group, with the exception that the personnel to child ratio for children under 3 years of age who are in the water must be 1-to-1 at all times.
   (8) Rescue equipment must be readily accessible at all times.
   (9) A working telephone must be immediately accessible in the water activity area.
   (10) A licensee shall obtain and keep on file written permission from a child's parent for the child's participation in either of the following:
      (a) Before each outdoor water activity at a swimming pool, lake, or other body of water off the child care home premises.
      (b) Once per season for water activities occurring on the child care home premises.
   (11) The emergency plan in R 400.1945 must include procedures for water emergencies.

R 400.1922 Nighttime care.
Rule 22. (1) In a home where children are in care between the hours of midnight and 5 a.m., not more than 2 adjoining floor levels may be used at any 1 time to sleep children.

(2) If child care staff members and children in care are sleeping, then at least 1 child care staff member shall be on the same floor level as the sleeping children.

(3) Homes shall not use a third or higher floor as a resting or sleeping area for children in care unless there are 2 stairways to ground level.

(4) If nighttime care is provided, then children shall sleep in age appropriate cribs and beds. Port-a-cribs and play yards are not allowed for nighttime care.

R 400.1923 Diapering and toilet learning.

Rule 23. (1) Diapering of infants and toddlers shall only occur in a designated changing area.

(2) The designated changing area must comply with all of the following:
   (a) Be used exclusively for changing wet or soiled diapers or underwear.
   (b) Be located away from food preparation and meal service areas.
   (c) Have access to a hand washing sink that is not used for food preparation.
   (d) Have a nonabsorbent, easily sanitized surface with a changing pad between the child and the surface.
   (e) Be cleaned and sanitized after each use.
   (f) Have diapering and changing supplies within easy reach.
   (g) Have a plastic-lined, tightly covered container that is used exclusively for disposable diapers and diapering supplies that must be emptied and sanitized at the end of each day.

(3) Diapers or training pants must be changed when wet or soiled.

(4) Only single use disposable wipes or other single use cleaning cloths must be used to clean a child during the diapering or toileting process.

(5) All of the following requirements apply when cloth diapers or training pants are used:
   (a) Each cloth diaper must be covered with an outer waterproof covering. Outer coverings must be removed as a singular unit with wet or soiled diapers or training pants.
   (b) Diapers, training pants, and outer coverings must not be reused until machine washed and sanitized.
   (c) No rinsing of the contents may occur at the child care home.
   (d) Soiled diapers must be placed in a plastic-lined, covered container used only for that child’s soiled diapers.
   (e) Soiled diapers or training pants must be stored and handled in a manner that will not contaminate any other items and must not be accessible to children.
   (f) A child’s parent shall remove soiled diapers or training pants from the child care home every day.
   (g) A child’s supply of clean diapers or training pants must be used only for that child.

(6) Toilet learning must be planned cooperatively between the parent and the licensee so the toilet routine established is consistent.

(7) If toilet learning equipment such as potty chairs and modified toilet seats are used, then both of the following apply:
   (a) They must be able to be easily cleaned and sanitized.
   (b) Potty chairs must be emptied, rinsed, and sanitized after each use.

(8) If disposable gloves are used, then they must only be used once for a specific child and must be removed and disposed of in a safe and sanitary manner immediately after each diaper change.

R 400.1924 Hand washing.
Rule 24. (1) All personnel shall wash their hands appropriately and in the following manner:
   (a) Before and after all of the following:
      (i) Preparing and serving food, eating, and feeding.
      (ii) Giving medication.
   (b) After all of the following:
      (i) Diapering.
      (ii) Using the toilet or helping a child use the toilet.
      (iii) Handling bodily fluids, such as mucus, blood, vomit, from sneezing, wiping, and blowing noses, from mouths, or from sores.
      (iv) Handling animals and pets.
      (v) Cleaning or handling garbage.
   (2) Personnel shall ensure that children wash their hands at all of the following times:
      (a) Before and after meals, snacks, or food preparation experiences.
      (b) After toileting or diapering.
      (c) After contact with any bodily fluids.
      (d) After playing in sand or water.
      (e) After handling animals and pets.
      (f) When soiled.
   (3) Hand sanitizers and wipes may be used as a temporary measure during outings, such as field trips and outdoor activities, until soap and running water are available.
   (4) When an infant is too heavy to hold for handwashing, cannot stand safely to wash hands at a sink, is not developmentally ready to hold head, and for children with special needs who are not capable of washing their own hands, staff may wash the child’s hands with non-toxic disposable wipes.

R 400.1925 Comprehensive background check; fingerprinting.
Rule 25. (1) Pursuant to section 5n of the act, MCL 722.115n, prior to an individual having any unsupervised contact with children, the department shall determine the individual’s eligibility to be any of the following:
   (a) A licensee.
   (b) An adult member of the household.
   (c) A child care assistant.
   (d) A child care staff member.
   (e) An unsupervised volunteer.
   (2) An applicant or licensee shall do all of the following:
      (a) Ensure that each individual who requires an eligibility determination pursuant to subrule (1) of this rule completes, signs, and submits all of the information required in subrule (5) of this rule, and in subrule (6) of this rule if applicable, on a form prescribed by the department. The forms are available on the department’s website for the child care background check system, www.michigan.gov/ccbc. The form(s) must be signed and dated prior to the individual’s appointment to be fingerprinted.
      (b) Maintain a copy of the completed and signed form(s) for each individual entered into the child care background check system under the license.
      (c) Provide to the department, upon request, a copy of the individual’s completed and signed form(s).
      (d) Establish and activate an account and accurately enroll each individual listed in subrule (1) in the child care background check system.
      (e) Within the department’s child care background check system, accurately complete and maintain the connection, disconnection, or withdrawn status of each individual associated with the license.
(f) Immediately disconnect each individual from the system once he or she is no longer a licensee, adult member of the household, child care assistant, child care staff member, or an unsupervised volunteer under the license.

(3) An individual may serve as a child care staff member pending an eligibility determination by the department, in accordance with section 5n(8) of the act, MCL 722.115n(8), and shall be supervised at all times by the licensee or a child care staff member who has been determined eligible.

(4) For an individual who is determined ineligible by the department, a licensee shall immediately do all of the following:
   (a) Prohibit the individual from being on the premises of the child care home.
   (b) Prohibit the individual from having any contact with children in care.
   (c) Disconnect the individual from the child care background check system.

(5) An individual who requires a comprehensive background check pursuant to section 5n of the act, MCL 722.115n, shall submit to the department, on a form prescribed by the department, all personally identifiable information necessary to conduct the comprehensive background check, including all of the following:
   (a) Full legal name.
   (b) All other names used in the past, including any maiden name or alias, the approximate date the other name was used, and the reason for the name change.
   (c) Suffix, if applicable.
   (d) Social Security number.
   (e) Date of birth.
   (f) Place of birth.
   (g) Country of citizenship.
   (h) Height.
   (i) Weight.
   (j) Hair color.
   (k) Eye color.
   (l) Sex.
   (m) Race.
   (n) Current address.
   (o) If the individual resided outside the state of Michigan during the last 5 years, then provide each of those addresses.
   (p) Driver’s license identification number and state issuing the license or a state identification number and state issuing it, if available.
   (q) Phone number.
   (r) Email address, if available.
   (s) Any other information deemed reasonably necessary by the department to determine the eligibility of the individual based on a name-based registry match.

(6) The department shall maintain the confidentiality of all personally identifiable information submitted pursuant to this rule to the extent permitted by law.

R 400.1926 Conducive to the welfare of children.

Rule 26. (1) In carrying-out its duties under section 5m of the act, MCL 722.115m, to determine whether or not a service, facility, applicant, licensee, child care staff member, child care assistant, or member of the household is conducive to the welfare of preschool or school-age children, the department shall deem any of the following behaviors as not conducive to the welfare of children: possession or use of alcohol, tobacco products, marihuana and, except as provided in subrule (2) of this
rule, any controlled substance in a child-use area, or on the premises of a child care home while children are in care.

(2) The exception to subrule (1) of this rule is the possession or use of a controlled substance outside of child-use space that is prescribed to the individual, and which does not impair the individual’s ability to supervise, care, and protect children, and the medication is stored in a secure manner that is not accessible to children.

R 400.1931 Food preparation and service.

Rule 31. (1) A licensee shall ensure that all of the following requirements are met:

(a) Each child shall be provided with nutritional and sufficient food pursuant to the minimum meal requirements of the child care food program, as administered by the Michigan department of education. These minimum meal requirements are based on the dietary guidelines for Americans made by the National Academy of Medicine, which are available at https://www.fns.usda.gov/cacfp/meals-and-snacks. This subrule does not apply to children whose parents provide their food.

(b) Children shall be offered food at intervals as individually appropriate, but not to exceed more than 4 hours unless the child is asleep.

(c) Drinking water must be available at all times.

(2) A licensee shall ensure that food is prepared, served, and stored in a safe and sanitary manner by meeting all of the following requirements:

(a) Food served to children individually or family style must be discarded at the end of the meal if not eaten.

(b) Prepared food that has not been served to individuals or placed in family-style containers must be properly cooled, if applicable, then promptly covered and stored appropriately.

(c) Children under 3 years of age shall not be served or allowed to eat foods that could easily cause choking including, but not limited to, popcorn and uncut round foods such as grapes, seeds, nuts, hard candy, and hot dogs.

(3) If a parent has agreed to provide the food, then the licensee shall have a written agreement with the parent and shall be responsible for providing adequate food if the parent does not.

(4) Food brought by parents must be labeled with the child's first and last name and, if perishable, be refrigerated, and be fed only to the child for whom the item is labeled.

(5) A licensee shall inform parents if home canned foods are served.

(6) Unpasteurized products must not be used.

(7) Children shall be encouraged to taste new foods, but shall not be required to eat anything they do not want.

(8) Bottles used for feeding must be labeled with the child's first and last name and date, refrigerated, and served only to the child on the label.

(9) Warming bottles and beverage containers in a microwave oven or a slow cooker is prohibited.

(10) Bottle warmers must be placed where children cannot access them or reach the cords for the warmers.

(11) Bottle warmers must be shut off when not in use.

(12) The contents of a bottle that has been used for feeding for a period that exceeds 1 hour from the beginning of the feeding, or has been unrefrigerated for 1 hour or more must be discarded.

(13) Children shall not have beverage or food containers when they are in bed or when they are walking around or playing.

(14) The propping of bottles is prohibited.

(15) Breastfeeding must be supported by making reasonable accommodations for a mother who chooses to breastfeed her child at the child care home.
R 400.1932 Home maintenance and safety.
   Rule 32.  (1) The structure, premises, and furnishings of a child care home must be in good repair and maintained in a clean, safe, and comfortable condition.
   (2) All dangerous and hazardous materials or items must be stored securely and out of the reach of children.
   (3) All steps, stairs, porches, and elevated structures to which children in care have access must be protected to prevent falls, and must be free of ice and snow accumulation.
   (4) A handrail is required for 3 or more steps, or a total rise of 24 inches or more.
   (5) Parents shall be notified before pesticide or fertilizer treatments.
   (6) There must be no flaking or deteriorating paint on interior and exterior surfaces, equipment, and toys accessible to children.
   (7) If the child care home was built prior to 1978, then the licensee shall inform parents of each child in care and all personnel, in writing, prior to any remodeling, renovating or re-painting that could potentially disturb lead-based paint or produce lead dust. Providers are encouraged to use EPA Renovation, Repair and Painting (RRP) trained and certified individuals when remodeling child care areas to ensure lead safety for their children in care.
   (8) Open-flame devices and candles must not be used, except for birthdays or religious celebrations, and they must be inaccessible to children and extinguished when done.

R 400.1933 Water supply; sewage disposal; water temperature.
   Rule 33.  (1) The water supply must be from a municipal water supply or an onsite well approved by the local health department.
   (2) All sewage must be disposed of through a public system or, in the absence thereof, in a manner approved by the local health department.
   (3) A child care home shall have a minimum of 1 flush toilet and 1 handwashing sink with hot and cold running water.
   (4) Hot water temperature must not exceed 120 degrees Fahrenheit at water faucets accessible to children.

R 400.1934 Heating; ventilation; lighting; radon.
   Rule 34.  (1) Each room that is used by children in care must have adequate ventilation and be maintained at a safe and comfortable temperature so children do not become overheated, chilled, or cold. Both of the following apply:
   (a) The temperature must be not less than 65 degrees Fahrenheit at a point 2 feet above the floor.
   (b) Measures must be taken to cool the children when the temperature exceeds 82 degrees Fahrenheit.
   (2) Windows and doors that are used for ventilation must be screened and in good repair.
   (3) A carbon monoxide detector, bearing a safety certification mark of a recognized testing laboratory, such as UL (Underwriters Laboratories) or ETL (Electrotechnical Laboratory), must be placed on all levels approved for child care.
   (4) A licensee shall test the child care home for the concentration of radon gas before the initial license is issued and every 4 years thereafter at the time of license renewal.
   (5) The lowest level of the child care home must not have levels of radon gases that exceed 4 picocuries per liter of air, except as provided in subrule (6) of this rule. Documentation of the results must be kept on file in the child care home.
(6) If the levels of radon gases exceed 4 picocuries per liter of air in the lowest level of the child care home, the licensee shall notify the parents of children in care and have a radon mitigation system installed. The licensee has up to 12 months from the date of the first measurement to meet the standard in subrule (5) of this rule.

(7) All child-use areas must have adequate natural or artificial lighting.

R 400.1935 Firearms.
Rule 35. (1) All firearms must be unloaded and properly stored in a secure, safe, locked environment inaccessible to children during hours of operation or while children are in care at a child care home. A secure and locked environment means a locked commercial gun safe, or a trigger lock installed and locked according to the manufacturer’s recommendations to prevent discharge.
(2) Ammunition must be stored in a separate locked location inaccessible to children during hours of operation or while children are in care at a child care home.
(3) Firearms must not be traded or sold on the premises during hours of operation or while children are in care.
(4) Law enforcement officers who are required to keep their firearms loaded and ready for use at all times, may do so, as long as the firearm is inaccessible to children.

R 400.1936 Animals and pets.
Rule 36. (1) A licensee shall notify parents of any animals and pets in the home.
(2) Animals and pets that are potentially aggressive or in poor health shall be separated from children in care at all times.
(3) Children having contact with animals and pets shall be supervised by a child care staff member who is physically close enough to remove a child immediately if the animal shows signs of distress or the child shows signs of treating the animal inappropriately.
(4) Animals and pets shall not be allowed in food preparation and eating areas during meal or snack time.
(5) Litter boxes, pet food, pet dishes, and pet toys must be inaccessible to children.

R 400.1941 Heat-producing equipment.
Rule 41. (1) All flame-producing and heat-producing equipment must be maintained in a safe condition and shielded to protect against burns. This subrule applies to all of the following:
(a) A furnace.
(b) A water heater.
(c) A fireplace.
(d) A radiator and pipes.
(e) Wood burning equipment.
(2) Combustible materials and equipment must not be stored within 4 feet of furnaces, other flame or heat-producing equipment, or fuel-fired water heaters.
(3) Portable heating devices must not be used when children are in care.
(4) Furnaces, other flame or heat-producing equipment used to heat the home when children are in care, and fuel-fired water heaters must be inspected by 1 of the following entities:
(a) A licensed heating contractor for a fuel-fired furnace.
(b) A licensed heating contractor or licensed plumbing contractor for a fuel-fired water heater.
(c) A mechanical inspector for the local jurisdiction or licensed mechanical inspector for a wood stove or other solid fuel appliance.

(5) The inspection specified in subrule (4) of this rule must be conducted before the initial license is issued and every 4 years thereafter at the time of license renewal.

(6) For outdoor wood stoves or open-air wood boilers, the initial installation inspection by a local heating or mechanical inspector shall meet the requirements of this rule.

**R 400.1942 Electrical service; maintenance.**

Rule 42. (1) The electrical service of a child care home must be maintained in a safe condition. When warranted, an electrical inspection by an electrical inspecting authority may be required.

(2) All electrical outlets, including outlets on multiple outlet devices, accessible to children must have safety covers or be tamper resistant outlets.

(3) Electrical cords must be arranged so they are not hazardous to children.

**R 400.1943 Exit requirements for each floor level used by children.**

Rule 43. (1) A child care home shall have at least 2 remotely located exits for every floor level occupied by children.

(2) At least 1 exit from each floor level must provide a direct, safe means of unobstructed travel to the outside at street or ground level.

(3) A window may be used as a second exit if it complies with all of the following provisions:
   (a) Is accessible to children and personnel.
   (b) Is clearly identified.
   (c) Can be readily opened.
   (d) Is of a size and design to allow for the evacuation of all children and personnel.

(4) If a level of a home that is above the second floor is used for children in care, then the building must be of 1-hour-fire-resistive construction and must have 2 stairways to ground level. At least 1 of the required stairways and all other vertical openings must be enclosed by, at a minimum, 1-hour-fire-resistive construction to provide a protected means of egress direct to the outside at ground level.

(5) All exits must be unobstructed and accessible at all times.

(6) The means of egress must be adequately lit at all times that children are in care.

(7) Doors located in a required path of escape must be readily openable from the side of egress without the use of a key or special knowledge. Double cylinder locks, key-operated locks, and similar devices are not allowed on any door in a required path of escape.

(8) Interior door hardware must be designed to allow opening from the outside during an emergency if locked.

(9) All closet door latches must be of the design so that children can open the door from inside the closet.

(10) A room or space, including an attic, that is accessible only by a ladder or folding stairway or through a trapdoor must not be used by children in care.

(11) For a basement window exit that is over 44 inches above floor level and approved prior to January 1, 2006, only steps and platforms must be used to access the window exit, and they must be permanently secured to the wall or floor. Ladders must not be used as a means for exiting.

(12) An emergency escape window to the outside is required for basements approved for child use after January 1, 2006. All of the following provisions apply:
   (a) The total unobstructed window area for egress must be at least 5 square feet.
   (b) The unobstructed opening must be at least 20 inches wide.
(c) The unobstructed opening must be at least 24 inches high.
(d) The bottom of the opening must be not more than 44 inches above the floor.
(e) If the sill height is below grade, then it must open into a window well with at least 9 square feet of area, 3 feet in length and 3 feet in width. The area of the window well must allow the emergency escape window to be fully opened. If the well depth is over 44 inches, then it must have permanently affixed steps that are approved by the local building inspector.

R 400.1944 Smoke detectors; fire extinguishers.
Rule 44. (1) Operable smoke detectors approved by a nationally recognized testing laboratory must be installed and maintained on each floor of the home, including the basement, and in all sleeping areas and bedrooms used by children in care.
(2) Heat detectors may be utilized in kitchens.
(3) A home shall have at least 1 functioning multipurpose fire extinguisher, with a rating of 2A-10BC or larger, properly mounted not higher than 5 feet from the floor to the top of the fire extinguisher, on each floor level approved for child use.

R 400.1945 Emergency; plan; drill.
Rule 45. (1) An applicant or licensee shall have a written emergency response plan for the care of children that must be posted in a conspicuous location within the child care home. The plan must address the following types of emergencies:
(a) Fire evacuation.
(b) Tornado watches and warnings.
(c) Serious accident or injury.
(d) Water emergencies, if applicable.
(e) Crisis management including, but not limited to, all of the following:
(i) Intruders.
(ii) Active shooters.
(iii) Bomb threats.
(iv) Other man- or woman-caused events.
(2) The written plan must include all of the following:
(a) A plan for evacuation.
(b) A plan for safely moving children to a relocation site.
(c) A plan for shelter-in-place.
(d) A plan for lockdown.
(e) A plan for contacting parents and reuniting families.
(f) A plan for continuing operations during or after a disaster.
   (g) A plan for how infants and toddlers will be accommodated in all types of emergencies.
(h) A plan for how children with special needs will be accommodated in all types of emergencies.
(i) A plan for how children with chronic medical conditions will be accommodated in all types of emergencies.
(3) A licensee shall inform all personnel of the overall emergency response plan and of his or her individual duties and responsibilities in the event of an emergency specified in subrule (1) of this rule.
(4) Fire drills must be practiced while children are in care at least once quarterly, and a written record that includes the date and time it takes to evacuate must be maintained.
(5) At least 2 tornado drills must be practiced while children are in care between March and November, and a written record of these drills that includes the date must be maintained.
(6) Smoke detectors must be used as the alarm for fire drills.
(7) The records required in this rule must be retained for a minimum of 4 years.

R 400.1951 Transportation.
   Rule 51. (1) A vehicle used to transport children in care must be maintained in a good, safe working condition.
   (2) A licensee shall ensure that the driver of a vehicle transporting children is an adult, who has a valid driver's license, valid vehicle registration, and proof of current automobile insurance.
   (3) A licensee shall notify the parents in advance when drivers other than child care staff members are used to transport children.
   (4) If the driver will have unsupervised access to children, the driver shall complete a comprehensive background check and be determined eligible by the department in compliance with section 5n of the act, MCL 722.115n.
   (5) Each child passenger restraint device and each safety belt must be installed, anchored, and used according to the manufacturer's specifications and must be maintained in a safe working condition.
   (6) The transportation of all children must be conducted pursuant to state law.
   (7) Each child transported shall remain seated and properly restrained by a child passenger restraint device appropriate for his or her age. The manufacturer's rated seating capacity for the vehicle must not be exceeded.
   (8) A licensee shall provide a driver with a copy of the child information card, or comparable facsimile, for each child being transported in a vehicle.
   (9) The driver of each vehicle transporting children shall carry in the vehicle, and be familiar with, the contents of a first aid kit. The first aid kit, must contain, at a minimum, all of the following:
      (a) Adhesive tape.
      (b) Bandages (assorted sizes).
      (c) Cold pack.
      (d) Disposable gloves.
      (e) Gauze pads and roller gauze (assorted sizes).
      (f) Hand sanitizer.
      (g) Plastic bags.
      (h) Scissors and tweezers.
      (i) Triangular bandage.

R 400.1952 Child transportation; parent permission; child information card; required when off-premises.
   Rule 52 (1) A licensee shall obtain and keep on file written permission from a child's parent before a child is transported in a vehicle. Written permission must be obtained for both of the following:
      (a) Routine transportation, at least annually.
      (b) Nonroutine transportation, before each trip.
   (2) At the time of initial enrollment, a licensee shall obtain written permission from a child’s parent for the child to go on field trips that do not involve a vehicle including, but not limited to, walking to a park or in the neighborhood.
(3) A licensee shall have a copy of each child's information card and a first aid kit, containing the items listed in R 400.1951(9), accessible at all times when children leave the premises.

R 400.1961  Parent notification required; incidents; accidents; illness; disease; isolation.
   Rule 61.  (1) A licensee shall promptly report to a child’s parent any of the following:
      (a) Any incidents, accidents, suspected illness, or other changes observed in the health of a child.
      (b) A child who is exposed to a communicable disease so the child may be observed for symptoms of the disease.
   (2) A licensee shall isolate a child who is too ill to remain in the group in an area where the child can be supervised and made as comfortable as possible.
   (3) Bedding, toys, utensils, toilets, and lavatories, used by an individual who is ill, must be appropriately cleaned and sanitized before being used by another individual.

R 400.1962  Department notification required; incidents; injury; accident, illness, death, or fire.
   Rule 62.  (1) A licensee shall make a verbal or email report to the department within 24 hours of the occurrence of any of the following:
      (a) A child is lost or left unsupervised.
      (b) An incident involving inappropriate contact or an allegation of inappropriate contact.
      (c) A serious injury of a child.
      (d) A fire on the premises of the home that requires the use of fire suppression equipment or results in loss of life or property.
   (2) A licensee shall make a verbal report to the department within 24 hours of the death of a child.
   (3) A licensee shall make a verbal or email report to the department within 24 hours of notification by a parent that a child received medical treatment or was hospitalized for an injury, accident, or medical condition that occurred while the child was in care.
   (4) A licensee shall submit a written report to the department of the occurrences outlined in subrules (1), (2), and (3) of this rule, in a format provided by the department, within 72 hours of the verbal or emailed report to the department.
   (5) A licensee shall keep a copy of the report on file for a minimum of 4 years.

R 400.1963  Rule variance.
   Rule 63.  (1) Upon written request of an applicant or licensee, the department may grant a variance from an administrative rule if the alternative proposed provides clear and convincing evidence that the health, welfare, and safety of children is protected.
   (2) The decision of the department must be entered upon the records of the department and a signed copy must be sent to the applicant or licensee. A variance may remain in effect for as long as the licensee continues to comply with the conditions of the variance, or it may be time-limited.
These rules take effect 7 days after filing with the secretary of state


R 400.8101, R 400.8104, R 400.8107, R 400.8110, R 400.8113, R 400.8119, R 400.8122, R 400.8125, R 400.8128, R 400.8131, R 400.8134, R 400.8137, R 400.8140, R 400.8143, R 400.8146, R 400.8149, R 400.8152, R 400.8155, R 400.8158, R 400.8161, R 400.8164, R 400.8167, R 400.8170, R 400.8173, R 400.8176, R 400.8179, R 400.8182, R 400.8185, R 400.8188, R 400.8191, R 400.8301, R 400.8305, R 400.8310, R 400.8315, R 400.8320, R 400.8325, R 400.8330, R 400.8335, R 400.8340, R 400.8345, R 400.8350, R 400.8352, R 400.8355, R 400.8360, R 400.8365, R 400.8370, R 400.8375, R 400.8380, R 400.8385, R 400.8501, R 400.8505, R 400.8509, R 400.8510, R 400.8515, R 400.8520, R 400.8525, R 400.8530, R 400.8535, R 400.8540, R 400.8560, R 400.8565, R 400.8701, R 400.8720, R 400.8730, R 400.8740, R 400.8750, R 400.8760, R 400.8801, R 400.8810, R 400.8820, R 400.8830, R 400.8840 of the Michigan Administrative Code are amended, and R 400.8102, R 400.8103, R 400.8112, R 400.8112a, and R 400.8112b are added, as follows:

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PART 1. GENERAL PROVISIONS
R 400.8101   Definitions; A through I.

Rule 101.  As used in these rules:

(a) “Accredited college or university” means a college or university that has been accredited by a
regional or national institutional accrediting association recognized by the United States Department of
Education.


(c) “Adult” means a person 18 years of age or older.

(d) “Ages” means all of the following:
   (i) “Infant” - birth until 1 year of age.
   (ii) “Toddler” - 1 year of age until 30 months of age.
   (iii) “Preschooler” – 30 months of age until eligible to attend a grade of kindergarten or higher.
   (iv) “School-ager” – a child who is eligible to attend a grade of kindergarten or higher, but less than
13 years of age.  A child is considered a school-ager on the first day of the school year in which he or
she is eligible.

(e) “Applicant” means an individual who applies for a license to operate a child care center.

(f) “CEU” means a continuing education unit awarded by an accredited college or university sponsor
of continuing education units or equivalent awarded by the state board of education.

(g) “Child care aide” means an individual who is 17 years of age, who provides services and
participates in child care activities in a child care center, who shall not have unsupervised access or
provide unsupervised care or supervision of children, and who has satisfactorily completed at least 1
year of a vocational-occupational child care aide training program approved by the department.

(h) “Child care administration” means educational courses in child care administration, education
administration, or business administration.

(i) “Child care background check system” means the database maintained by the department to
document a comprehensive background check and eligibility determination pursuant to section 5n of the
act, MCL 722.115n.

(j) “Child care center” means that term as defined in section 1(h) of the act, MCL 722.111.

(k) “Child care staff member” means that term as defined in section 1(a) of the act, MCL 722.111.

(l) “Child development associate credential” or “CDA” means a credential awarded by the Council
for Professional Recognition or a similar credential approved by the department.

(m) “Child-related field” means 1 of the following:
   (i) For an early childhood education program director and lead caregiver, academic courses in
      elementary education, child guidance, child counseling, child psychology, family studies, social work, or
      special education.
   (ii) For a school-age program director, academic courses in early childhood education, elementary
       education, secondary education, special education, physical education and recreation, child
       development, child guidance, child counseling, child psychology, family studies, social work, human
       services, or youth development.

(n) “Communicable disease” means an infectious disease that is transmissible from person to person
by direct contact with an infected individual or the individual's discharges, or by indirect means through
a vector.  Communicable disease includes, but is not limited to, all of the following:
   (i) Chicken pox.
   (ii) Hand, foot and mouth disease.
   (iii) Influenza.
   (iv) Measles.
   (v) Mumps.
   (vi) Pertussis, which is also referred to as whooping cough.
   (vii) Rubella.
(viii) Tuberculosis.

(o) “Comprehensive background check” means a department review of an individual as required in section 5n of the act, MCL 722.115n.

(p) “Conducive to the welfare of children” means that term as defined in section 5m(13)(b) of the act, MCL 722.115m(13)(b).

(q) “Continuously employed child care staff member” means an individual who has not been disconnected from the child care background check system for a period of more than 180 days and has continuously resided in Michigan as referenced in section 5n(15) and (16) of the act, MCL 722.115n(15) and (16).

(r) “Conviction” means that term as defined in section 1(i) of the act, MCL 722.111.

(s) “Criminal history check” means that term as defined in section 1(j) of the act, MCL 722.111.

(t) “Degrees and semester hours” means only those degrees and hours from an accredited college or university.

(u) “Department” means the department of licensing and regulatory affairs.

(v) “Developmentally appropriate” means age appropriate as well as appropriate to the individual child.

(w) “Early childhood program director” means the program director of a center serving children of all ages.

(x) “Easily cleanable” means that surfaces are readily accessible and made of such materials and finish and so fabricated that residue may be effectively removed by normal cleaning methods.

(y) “Eligible” means that term as defined in section 1(m) of the act, MCL 722.111.

(z) “Field trip” means children and personnel leaving the child care center premises for an excursion, trip, or program activity.

(aa) “First aid kit” means a kit containing, at a minimum, all of the following: sterile gauze pads, assorted sizes, a roll of gauze, adhesive bandages, assorted sizes, adhesive cloth tape, an elastic bandage, tweezers, and scissors. A first aid kit is prohibited from containing any non-prescription or prescription medications as described under R 400.8152.

(bb) “Group size” means the specified number of children assigned to a child care staff member or team of child care staff members occupying an individual classroom or well-defined space for each group within a larger room. Two or more groups may be combined for collective activities as long as appropriate child-to-staff ratios are maintained in the room or area.

(cc) “Hours of experience” means experience serving the ages and developmental abilities of children for which the center is licensed.

(dd) “Immediately available” means a parent or guardian remains onsite at the address of the child care center.

(ee) “Ineligible” means that term as defined in section 1(n) of the act, MCL 722.111.

R 400.8102 Definitions; J through R.

Rule 102. As used in these rules:

(a) “Lead caregiver” means a child care staff member who is responsible for planning and implementing the daily program of activities for a group of children in a child care center.

(b) “Licensee” means that term as defined in section 1(q) of the act, MCL 722.111.

(c) "Licensee designee" means that term as defined in section 1(cc) of the act, MCL 722.111.

(d) “Michigan school age or youth development credential” means a credential issued by the Michigan Afterschool Association or similar credential approved by the department.

(e) “MiRegistry” is the electronic data system for child care providers that is maintained by the department of education to verify and track employment, training, and educational accomplishments.
MiRegistry offers a statewide calendar of online and classroom training opportunities. MiRegistry can be accessed online at http://www.miregistry.org.

(f) “Montessori credential” means a credential issued by the Association Montessori International (AMI), American Montessori Society (AMS), or any Montessori teaching or training institution recognized by the Montessori Accreditation Council for Teacher Education (MACTE) that meets or exceeds 270 hours of academic training.

(g) “Parent” or “parental” means a child’s natural or adoptive parent who is legally responsible for the child or the child’s legal guardian.

(h) “Playspace” means a piece or pieces of age-appropriate toys, play equipment, and materials that 1 child can use independently for 15 minutes.

(i) “Personnel” means a licensee, licensee designee, child care staff member, and child care aide.

(j) “Portable crib” means a crib that can be folded or collapsed, without disassembly, to occupy a space less than it occupies when it is used. Products with mesh, fabric, or non-rigid sides, such as a bassinet or play yard, are not considered a portable crib.

(k) “Program components” means the different services offered by a center. They include, but are not limited to, infant and toddler, preschool, and school-age care and education; nighttime care; food service; swimming; and transportation.

(l) “Program director” means a licensee or child care staff member who is responsible for the general management of the center and ensures compliance with the act and these rules.

(m) “Routine transportation” means regularly scheduled travel on the same day of the week, at the same time, to the same destination. Any deviation is non-routine transportation.

R 400.8103 Definitions; S through Z.

Rule 103. As used in these rules:

(a) “Sanitized” means to wipe or spray the surface with a sanitizing solution, let the surface air dry or wipe dry after 2 minutes with a single service towel, or according to the manufacturer’s directions.

(b) “School” means a building or part of a building that is owned or leased by, or under the control of, a public or private school or school system for the purpose of instruction as required by the revised school code, 1976 PA 451, MCL 380.1 to 380.1852, which is occupied by 6 or more students, and which is used 4 or more hours per day or more than 12 hours per week.

(c) “School-age child” means that term as defined in section 1(aa) of the act, MCL 722.111.

(d) “Serious injury” means that term as defined in section 2b of 1973 PA 116, MCL 722.122b.

(e) “School-age program director” means the program director of a center serving only school-age children.

(f) “Site supervisor” means an individual who oversees the daily operation of a school age program when a multi-site director has been named. The site supervisor must meet all requirements under R 400.8119.

(g) “Staff” means any compensated employee of a center.

(h) “Supervised volunteer” means a person 16 years of age or older, who provides service for a child care center that is not compensated, and who is supervised at all times when children are in care.

(i) “Unsupervised volunteer” means an individual who is 18 years of age or older, who provides service for a child care center that is not compensated, and who has been determined eligible by the department to be unsupervised with children.

(j) “Well-defined space” means space designed and used exclusively for a specific group of children.

R 400.8104 Rule variances.
Rule 104. (1) Upon written request of an applicant or licensee, the department may grant a variance from an administrative rule if the alternative proposed provides clear and convincing evidence that the health, welfare, and safety of children is protected.

(2) The decision of the department, including the conditions under which the variance was granted, must be kept on file at the child care center.

(3) The granted variance may remain in effect for as long as the licensee continues to comply with the conditions of the variance or may be time-limited.

(4) Variances must not be granted from statutory requirements.

R 400.8107 Applicant qualifications.

Rule 107. (1) An applicant shall meet all of the following qualifications:

(a) Be suitable to meet the needs of children.

(b) Be able to ensure that the proposed services and facilities are conducive to the welfare of children.

(c) Act in a manner that is conducive to the welfare of children.

(d) Demonstrate a willingness and ability to comply with the act and these rules.

(2) An applicant for a license to operate a child care center shall complete, sign, and submit the department’s child care application form, along with the fee under section 5m of the act, MCL 722.115m, to the Michigan Department of Licensing and Regulatory Affairs, Bureau of Community and Health Systems, P.O. Box 30664, Lansing, MI 48909-8164.

(3) If the applicant elects a licensee designee pursuant to section 1(cc) of the act, MCL 722.111, then the applicant shall also complete, sign, and submit the department’s child care licensee designee form.

(4) The department’s child care application form and child care licensee designee form are available at no cost on the department’s website at www.michigan.gov/michildcare. They are also available at no cost by calling the department at (517) 284-9738 or (866) 685-0006. They are also available at no cost at the Michigan Department of Licensing and Regulatory Affairs, Bureau of Community and Health Systems, Child Care Division, 611 W. Ottawa St, Lansing, MI 48933-1070.

(5) Before issuance of the original license, and before the renewal of a license, an applicant or licensee shall comply with applicable laws and administrative rules.

R 400.8110 Applicant; licensee; licensee designee; requirements.

Rule 110. (1) The licensee or licensee designee shall do all of the following:

(a) Act in a manner that is conducive to the welfare of children.

(b) Comply with section 5n of the act, MCL 722.115n, which requires a comprehensive background check.

(c) Be responsible for compliance with the act and these rules.

(d) Report to the department within 3 business days after any arraignment or conviction of 1 or more of the crimes listed in section 5r of the act, MCL 722.115r, and any subsequent conviction.

(2) The applicant, licensee, and licensee designee shall have the administrative capability to operate the center in order to provide the services and facilities that are conducive to the welfare of children.

(3) All of the following must be in a place, accessible, and visible to parents:

(a) The current license and, if applicable, the letter extending the license beyond the expiration date.

(b) A copy of these rules and a copy of the last page of any variances granted.

(c) A notice stating that the center requires a comprehensive background check on its employees and unsupervised volunteers.
(4) There must be a licensing notebook on the premises that includes all licensing inspection and special investigation reports and related corrective action plans for the last 5 calendar years, and a summary sheet outlining the documents contained in the notebook. The notebook must be in a place accessible to parents and prospective parents at all times during the center’s normal hours of operation.
(5) The actual number and ages of children in care at any time must never exceed the number and ages of children for which the center is licensed.
(6) The licensee or licensee designee shall maintain accurate records detailing daily arrival and departure times for each child care staff member, child care aide, and volunteer.
(7) A child shall only be released to persons authorized by the child’s parent or guardian.
(8) A child shall be released to either parent or the child’s guardian, unless a court order prohibits release to a particular parent. A copy of the order prohibiting release must be kept on file at the center.
(9) Within 5 business days, the licensee shall notify the department of the separation of a licensee designee, program director, or a central administrator approved under R 400.8113(12), and a plan for replacement of the individual.
(10) Written approval from the department must be obtained before making any changes in the terms of the license, including but not limited to, adding use space, changing age groups served, changing program components, changing the capacity of the center, or making changes to a room or well-defined space that will result in a change in capacity of the room or well-defined space.
(11) The records required by the act and these rules must be retained for a minimum of 2 calendar years or longer as specified in these rules, and made available to the department upon request.
(12) The following records must be retained and available to the department:
(a) The name, address, and telephone number for each child enrolled and each employee for at least 2 years after the individual leaves the center.
(b) Staff and volunteer health records, as required by R 400.8128, and documentation of qualifications must be retained until the individual leaves the center.
(c) The licensing notebook must be maintained and retained until the license is closed.
(13) Smoking and vaping must not occur in or during both of the following:
(a) In the child care center or on real property that is under the control of the center and upon which the center is located.
(b) On field trips and in vehicles when children are present.
(14) A center shall post a notice in a place accessible and visible to parents, staff, and visitors stating that smoking and vaping are prohibited in the center and on the center’s property.

R 400.8112 Comprehensive background check; fingerprinting.
Rule 112. (1) Pursuant to section 5n of the act, MCL 722.115n, before an individual has unsupervised contact with children, the department shall determine the individual’s eligibility to be any of the following:
(a) A licensee.
(b) A licensee designee.
(c) A child care staff member.
(d) A child care aide.
(e) An unsupervised volunteer.
(2) An applicant or licensee shall do all of the following:
(a) Ensure that each individual who requires an eligibility determination under subrule (1) of this rule completes, signs, and submits all of the information required in subrule (5) of this rule, and in subrule (6) of this rule if applicable, on a form prescribed by the department. The forms are available on the
(b) Maintain a copy of the completed and signed form or forms for each individual entered into the child care background check system under the license.

(c) Provide to the department, upon request, a copy of the individual’s completed and signed form or forms.

(d) Establish and activate an account and accurately enroll each individual listed in subrule (1) of this rule in the child care background check system.

(e) Within the department’s child care background check system, accurately complete and maintain the connection, disconnection, or withdrawn status of each individual associated with the license.

(f) Immediately disconnect each individual from the system once he or she is no longer a licensee, licensee designee, child care staff member, child care aide, or an unsupervised volunteer under the license.

(3) An individual may serve as a child care staff member pending an eligibility determination by the department under section 5n(8) of the act, MCL 722.115n, and shall be supervised at all times by the licensee or a child care staff member who has been determined eligible.

(4) For an individual who is determined ineligible by the department, a licensee shall immediately do all of the following:

(a) Prohibit the individual from being on the premises of the child care center.

(b) Prohibit the individual from having any contact with children in care.

(c) Disconnect the individual from the child care background check system.

(5) An individual who requires a comprehensive background check under section 5n of the act, MCL 722.115n, shall submit to the department, on a form prescribed by the department, all personally identifiable information necessary to conduct the comprehensive background check, including all of the following:

(a) Full legal name.

(b) All other names used in the past, including any maiden name or alias, the approximate date the other name was used, and the reason for the name change.

(c) Suffix, if applicable.

(d) Social Security number.

(e) Date of birth.

(f) Place of birth.

(g) Country of citizenship.

(h) Height.

(i) Weight.

(j) Hair color.

(k) Eye color.

(l) Gender.

(m) Race.

(n) Current address.

(o) If the individual resided outside this state during the last 5 years, then provide each of those addresses.

(p) Driver’s license identification number and state issuing the license or a state identification number and state issuing it, if available.

(q) Phone number.

(r) Email address, if available.

(s) Any other information deemed reasonably necessary by the department to determine the eligibility of the individual based on a name-based registry match.
(6) The department shall maintain the confidentiality of all personally identifiable information submitted pursuant to this rule to the extent permitted by law.

R 400.8112a Department; information; eligibility determination.
Rule 112a. The department may request information from an applicant, licensee, licensee designee, child care staff member, child care aide, or unsupervised volunteer regarding any of the conditions listed in sections 5n, 5q, 5r, and 11 of the act, MCL 722.115n, 722.115q, 722.115r, and 722.121, and any similar or equivalent conditions that occurred in another state or legal jurisdiction in which the individual resided, on a form prescribed by the department, and limited to information necessary to ascertain whether the individual should be deemed ineligible under the statutory requirements.

R 400.8112b Eligibility determination; individual who resided out of the United States; self-certifying statement.
Rule 112b. An individual who requires an eligibility determination under section 5n of the act, MCL 722.115n, and resided out of the United States within the preceding 5 years, shall also, under section 5n(2) of the act, MCL 722.115n(2), complete, sign and submit, on a form prescribed by the department, a self-certifying statement that the individual does not have any of the disqualifying conditions set forth in sections 5n, 5q, 5r, and 11 of the act, MCL 722.115n, 722.115q, 722.115r, and 722.121.

R 400.8113 Program director qualifications; responsibilities.
(1) Before hiring a new program director, a licensee or licensee designee shall submit a completed BCHS-CC 001 form, titled Child Care Licensing Information Request, and the credentials of the proposed program director to the department for review and approval.
(2) A program director shall be present in the center in the following manner:
   (a) Full time for programs operating less than 6 continuous hours.
   (b) At least 50% of the time children are in care but not less than a total of 6 hours per day for programs operating 6 or more continuous hours.
(3) All program directors are responsible for the general management of the center, including the following minimum responsibilities:
   (a) Developing, implementing, and evaluating program and center policies.
   (b) Administering day-to-day operations, including being available to address parent, child, and staff issues.
   (c) Monitoring staff, including an annual evaluations.
(4) If absent from the center, the program director shall designate a child care staff member to be in charge.
(5) A substitute program director shall be appointed for a program director who has left employment or has a temporary absence that exceeds 30 consecutive workdays until return or replacement. A substitute program director shall at least meet the qualifications of lead caregiver. The department shall be notified when a substitute program director is appointed.
(6) A program director shall have all of the following qualifications:
   (a) Be at least 21 years of age.
   (b) Have earned a high school diploma or general equivalency diploma (GED).
(7) Early childhood program directors shall meet 1 of the following qualifications shown in Table 1:
<table>
<thead>
<tr>
<th>Education</th>
<th>Coursework in Early Childhood Education or Child Development</th>
<th>Hours of Experience</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Bachelor’s degree or higher in early childhood education or child development</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(b) Bachelor’s degree or higher in a child-related field including</td>
<td>18 semester hours and → 480 hours</td>
<td></td>
</tr>
<tr>
<td>(c) Montessori credential</td>
<td>18 semester hours and → 480 hours</td>
<td></td>
</tr>
<tr>
<td>(d) Associate’s degree in early childhood education or child development including</td>
<td>18 semester hours and → 480 hours</td>
<td></td>
</tr>
<tr>
<td>(e) Valid child development associate credential with</td>
<td>18 semester hours and → 960 hours</td>
<td></td>
</tr>
<tr>
<td>(f) Sixty semester hours with</td>
<td>18 semester hours and → 1,920 hours</td>
<td></td>
</tr>
</tbody>
</table>

(8) School-age program directors shall meet 1 of the following qualifications shown in Table 2:

<table>
<thead>
<tr>
<th>Education</th>
<th>Coursework in a Child-Related Field</th>
<th>Hours of Experience</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Bachelor’s degree or higher in a child-related field</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(b) Montessori credential with</td>
<td>12 semester hours and → 480 hours</td>
<td></td>
</tr>
<tr>
<td>(c) Associate’s degree in a child-related field and</td>
<td></td>
<td>480 hours</td>
</tr>
<tr>
<td>(d) Valid Michigan school-age youth development credential with</td>
<td>12 semester hours and → 480 hours</td>
<td></td>
</tr>
<tr>
<td>(e) Valid child development associate credential with</td>
<td>12 semester hours and → 480 hours</td>
<td></td>
</tr>
<tr>
<td>(f) Sixty semester hours with</td>
<td>12 semester hours and → 720 hours</td>
<td></td>
</tr>
<tr>
<td>(g) High school diploma or GED with</td>
<td>6 semester hours and → 2,880 hours</td>
<td></td>
</tr>
</tbody>
</table>
(9) All program directors shall have at least 2 semester hours or 3.0 CEUs in child care administration or have an administrative credential approved by the department. These semester hours may satisfy a portion of the requirements of subrules (7) and (8) of this rule. The program director may also use 30 hours of administrative training from MiRegistry to meet these requirements.

(10) Any potential program director previously employed as an approved and qualified program director is exempt from meeting subrule (9) of this rule.

(11) An early childhood program director or school age program director employed as a program director for more than 10 years without a break in service is exempt from the requirements in subrules (7) and (9) of this rule.

(12) A program director is exempt from the requirements of subrule (9) of this rule with verification that all duties required by subrule (3)(a) and (c) of this rule are handled by a central administrator, and the central administrator meets the requirements of subrule (9) of this rule. Verification of the duties and education of the central administrator must be made available to the department upon request.

(13) Verification of the education, credentials, and experience of the program director must be kept on file at the center or made available online at MiRegistry.

(14) A program that has only a before school program or an afterschool program, but not both, serving school-aged children may have a program director that meets the qualifications of a site supervisor, as specified in R 400.8119.

R 400.8119 Site supervisor; qualifications; responsibilities.

Rule 119. (1) For multi-site school-age programs with a school-age program director responsible for more than 1 center, a site supervisor shall be present at each center during all hours of operation.

(2) Site supervisors shall meet all of the following requirements:

(a) Be at least 19 years of age.
(b) Have earned a high school diploma, GED, or equivalent.
(c) Have 480 hours of experience working as a child care staff member in a program serving school-age children.
(d) Have completed 15 clock hours, 1 semester hour, or 1.5 CEUs of documented school-age training.

(3) Site supervisors are responsible for the daily operation and implementation of the site program, supervision of the site staff, and overall care and supervision of children.

(4) Site supervisors shall assist the multi-site school-age program director in all of the following:

(a) Developing, implementing, and evaluating program and center policies.
(b) Administering day-to-day operations, including being available to address parent, child, and staff issues.
(c) Monitoring and overseeing staff.

(5) Verification of the requirements of subrule (2) must be kept on file at the center.

R 400.8122 Lead caregiver; qualifications; responsibilities.

Rule 122

(1) Lead caregivers are required only for groups of children who are preschool age and younger.

(2) At least 1 lead caregiver shall be assigned to each group of children in a self-contained or well-defined space and shall be present and providing care in the assigned group in the following manner:

(a) Full time for programs operating less than 6 continuous hours.
(b) At least 6 hours per day for programs operating 6 or more continuous hours.

(3) Lead caregivers shall be responsible for both of the following:
   (a) Overseeing the planning, implementation, and evaluation of the classroom program and child assessment.
   (b) Overseeing child care staff members for a specific group of children and overall care and supervision of children.

(4) Lead caregivers shall have both of the following qualifications:
   (a) Be at least 19 years of age.
   (b) Have a high school diploma or GED.

(5) Lead caregivers shall meet 1 of the following qualifications shown in Table 3:

<table>
<thead>
<tr>
<th>TABLE 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lead Caregiver Qualifications</td>
</tr>
<tr>
<td>Education</td>
</tr>
<tr>
<td>(a) Bachelor’s degree or higher in early childhood education, child development, or a child-related field</td>
</tr>
<tr>
<td>(b) Montessori credential with</td>
</tr>
<tr>
<td>(c) Associate’s degree or higher in early childhood education or child development</td>
</tr>
<tr>
<td>(d) Valid child development associate credential with</td>
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<tr>
<td>(e) High school diploma or GED with</td>
</tr>
<tr>
<td>(f) High school diploma or GED with</td>
</tr>
<tr>
<td>(g) High school diploma or GED with</td>
</tr>
</tbody>
</table>

(6) Lead caregivers qualified under subrule (5), Table 3, row (g) of this rule, have 2 years from date of hire in this position to obtain an additional 6 semester hours, 9 CEUs, or a combination to equal 90 clock hours, or 90 hours from MiRegistry.

(7) Lead caregivers for infants and toddlers shall have 3 semester hours, 4.5 CEUs, or 45 hours of MiRegistry approved infant and toddler development and care practices within 6 months of hire. These semester hours or CEUs may satisfy a portion of the requirements of subrule (6) of this rule.
(8) A substitute for a lead caregiver shall be appointed for a lead caregiver who has left employment or has a temporary absence that exceeds 30 consecutive workdays until return or replacement. A substitute lead caregiver has 90 days to meet the qualifications of a lead caregiver.

(9) Verification of the education, credentials, and experience of each lead caregiver shall be kept on file at the center or at MiRegistry.

R 400.8125 Staff; volunteer; requirements.
Rail 125. (1) All staff and volunteers shall provide appropriate care and supervision of children at all times.
(2) All staff and volunteers shall act in a manner that is conducive to the welfare of children.
(3) All supervised volunteers shall receive a public sex offender registry (PSOR) clearance before having any contact with a child in care. A copy of this clearance must be kept on file at the center.
(4) A licensee shall have a written policy regarding screening and supervision of staff and volunteers, including volunteers who are parents of a child in care. The policy must include a statement that any individual registered on the public sex offender registry (PSOR) is prohibited from having contact with any child in care.
(5) A written statement must be signed and dated by staff and volunteers at the time of hiring or before volunteering indicating all of the following information:
   (a) The individual is aware that abuse and neglect of children is against the law.
   (b) The individual has been informed of the center’s policies on child abuse and neglect.
   (c) The individual knows that all staff and volunteers are required by law to immediately report suspected abuse and neglect to children’s protective services.

R 400.8128 Staff; volunteer; tuberculosis.
Rail 128. A center shall keep on file at the center evidence to verify that each child care staff member and each volunteer who has contact with children at least 4 hours per week for more than 2 consecutive weeks is free from communicable tuberculosis (TB). Verification of TB status is required within 1 year before employment or volunteering.

R 400.8131 Professional development requirements.
Rail 131. (1) The center shall provide an orientation about the center’s policies and practices and these administrative rules for all personnel hired after the effective date of these rules and before unsupervised contact with children.
(2) Child care staff members shall have training that includes information about prevention of sudden infant death syndrome and use of safe sleep practices before caring for infants and toddlers.
(3) Before caring for children, all child care staff members and unsupervised volunteers who work directly with children shall be trained on prevention of shaken baby syndrome, abusive head trauma and child maltreatment, and recognition and reporting of child abuse and neglect.
(4) Before unsupervised contact with children, all child care staff members who work directly with children shall complete prevention and control of infectious disease training, including immunizations.
(5) Within 90 days of being hired, or the first day as an unsupervised volunteer, all child care staff members and unsupervised volunteers who work directly with children shall complete the following trainings, which may count toward annual professional development hours and are available at MiRegistry:
   (a) Administration of medication.
(b) Prevention of and response to emergencies due to food and allergic reactions.
(c) Building and physical premises safety.
(d) Emergency preparedness and response planning.
(e) Handling and storage of hazardous materials and appropriate disposal of bio-contaminants.
(f) Precautions in transporting children, if applicable.
(g) Child development.

(6) All child care staff members who work directly with children shall complete 16 clock hours of professional development annually on topics relevant to job responsibilities that include, but are not limited to, any of the following subjects:
   (a) Child development and learning.
   (b) Health, safety, and nutrition.
   (c) Family and community collaboration.
   (d) Program management.
   (e) Teaching and learning.
   (f) Observation, documentation, and assessment.
   (g) Interactions and guidance.
   (h) Child care center administrative rules.

(7) A center may count CPR and first aid training for up to 2 hours of the annual professional development hours in the year taken. Staff may use hours from MiRegistry to meet the professional development requirements in subrule (6) of this rule.

(8) An on-going professional development plan must be developed and implemented to include all the training and professional development required by these rules.

(9) On-line trainings and correspondence courses must have an assessment of learning.

(10) All child care staff members who work directly with children are required to be trained in first aid and pediatric, child, and adult cardiopulmonary resuscitation (CPR) within 90 days of being hired. Prior to issuing a license to operate a child care center, and prior to the renewal of a license, the department shall verify that at least 50% of the child care staff members who work directly with children are currently certified in first aid and pediatric, child, and adult CPR. Each of these child care staff member’s first aid and CPR certificates must be valid and retained on file in the center.

(11) Verification of all professional development required by this rule must be kept on file at the center or online at MiRegistry. Verification must be issued from the training organization or trainer and include the date of the course, the name of the training organization or trainer, the topic covered, and the number of clock hours. Training hours from MiRegistry also meet this rule.

(12) When the department of licensing and regulatory affairs or the department of education publishes a notice that a new health and safety update document or a new health and safety update training activity has been published on MiRegistry, the licensee shall ensure that all personnel read and acknowledge the document or complete the activity within 6 month of the notice.

R 400.8134  Hand washing.

Rule 134. (1) As used in this rule, "hand washing" means to cleanse the hands with soap and warm running water for at least 20 seconds.

(2) All staff and volunteers shall wash their hands at all of the following times:
   (a) Prior to starting the workday at the center.
   (b) Prior to care of children.
   (c) Before preparing and serving food and feeding children.
   (d) Before giving medication.
   (e) After each diapering.
(f) After using the toilet or helping a child use the toilet.
(g) After handling bodily fluids.
(h) After handling animals and pets and cleaning cages.
(i) After handling garbage.
(j) When soiled.

(3) Staff and volunteers shall ensure that children wash their hands at all of the following times:
   (a) Before meals, snacks, or food preparation experiences.
   (b) After toileting or diapering.
   (c) After handling animals and pets.
   (d) When soiled.

(4) Guidelines for hand washing must be posted in food preparation areas, in toilet rooms, and by all hand washing sinks.

(5) Staff may wash children’s hands with non-toxic disposable wipes in the following situations:
   (a) When the child is too heavy to hold for handwashing.
   (b) When the child cannot stand safely at the sink.
   (c) When the child is not developmentally ready to hold his or her head.
   (d) When the child has a special need, so the child is not able to wash his or her own hands.

(6) When soap and running water are not available during an outing, hand sanitizers, or single-use wipes may be used as a temporary measure.

R 400.8137 Diapering; toileting.

Rule 137. (1) Except as provided in subrule (2) of this rule, diapering must occur in a designated diapering area that complies with all of the following:
   (a) Is physically separated from food preparation and food service.
   (b) Is within close proximity to a sink that is used exclusively for hand washing.
   (c) Has non-absorbent, smooth, easily cleanable surfaces in good repair.
   (d) Is of sturdy construction with railings or barriers to prevent falls.
   (e) Is an elevated diapering table or similar structure.
   (f) Is washed, rinsed, and sanitized after each use.

(2) Children 1 year of age and older may be changed in a bathroom standing up or on a nonabsorbent, easily sanitized surface, with a changing pad between the child and the surface.

(3) Diapering supplies must be within easy reach of the designated diapering area.

(4) A plastic-lined, tightly covered container must be used exclusively for disposable diapers and training pants and diapering supplies. The container must be emptied and sanitized at the end of each day.

(5) Only single-use disposable wipes or other single-use cleaning cloths must be used to clean a child during the diapering or toileting process.

(6) Diapers and training pants must be checked frequently and changed when wet or soiled.

(7) Guidelines for diapering must be posted in diapering areas.

(8) Disposable gloves, if used for diapering, must only be used once for a specific child and be removed and disposed of in a safe and sanitary manner immediately after each diaper change.

(9) The following apply when cloth diapers or training pants are used:
   (a) Each cloth diaper must be covered with an outer waterproof covering. Outer coverings must be removed as a singular unit with wet or soiled diapers and with wet or soiled training pants, if used.
   (b) Diapers, training pants, and outer coverings must not be reused until washed and sanitized.
   (c) Rinsing the contents must not occur at the center.
(d) Soiled diapers must be placed in a plastic-lined, covered container, wet bag, or other waterproof container, and used only for that child’s soiled diapers.

(e) Soiled diapers or training pants must be stored and handled in a manner that will not contaminate any other items and must not be accessible to children.

(f) Soiled diapers or training pants must be removed from the center every day by the child’s parent.

(g) A child’s supply of clean diapers or training pants may only be used for that child.

(10) Toilet learning or training must be planned cooperatively between the child’s regular caregivers and the child’s parent so the toilet routine established is consistent between the center and the child’s home.

(11) Equipment used for toilet learning or training must be provided. All of the following equipment is acceptable for toilet learning or training:

(a) Adult-sized toilets with safe and easily cleanable modified toilet seats and step aids.
(b) Child-sized toilets.
(c) Non-flushing toilets or potty chairs, if they are all of the following:
   (i) Made of a material that is easily cleanable.
   (ii) Used only in a bathroom area.
   (iii) Used over a surface that is impervious to moisture.
   (iv) Washed, rinsed, and sanitized after each use.

R 400.8140 Discipline.

Rule 140. (1) Positive methods of discipline that encourage self-control, self-direction, self-esteem, and cooperation must be used.

(2) All of the following means of punishment are prohibited:

(a) Hitting, spanking, shaking, biting, pinching, or inflicting other forms of corporal punishment.
(b) Placing any substances in a child’s mouth, including but not limited to, soap, hot sauce, or vinegar.
(c) Restricting a child’s movement by binding or tying him or her.
(d) Inflicting mental or emotional punishment, such as humiliating, shaming, or threatening a child.
(e) Depriving a child of meals, snacks, rest, or necessary toilet use.
(f) Excluding a child from outdoor play or other gross motor activities.
(g) Excluding a child from daily learning experiences.
(h) Confining a child in an enclosed area, such as a closet, locked room, box, or similar enclosure.
(i) Time out must not be used for children under 3 years of age.

(3) Non-severe and developmentally appropriate discipline or restraint may be used when reasonably necessary, based on a child’s development, to prevent a child from harming himself or herself or to prevent a child from harming other persons or property, excluding those forms of punishment prohibited by subrule (2) of this rule.

(4) A written policy must be developed and implemented regarding the age appropriate, non-severe discipline of children. The policy must be provided to staff and parents.

R 400.8143 Children’s records.

Rule 143. (1) At the time of a child’s initial attendance, a center shall obtain a child information card, using a form provided by the department or a comparable substitute, that is completed and signed by the child’s parent. The center shall keep it on file and accessible in the center.
(2) Child information cards must be reviewed and updated by parents at least annually and when the center becomes aware of changes.

(3) For children under school-age, at the time of a child’s initial attendance, a center shall obtain, keep on file, and make accessible in the center 1 of the following:
   (a) A certificate of immunization showing a minimum of 1 dose of each immunizing agent specified by the department of health and human services (DHHS).
   (b) A copy of a waiver addressed to DHHS and signed by the parent stating immunizations are not being administered due to religious, medical, or other reasons.

(4) When a child under school-age whose immunizations were not up-to-date at the time of enrollment has been in attendance for 4 months, an updated certificate showing completion of all additional immunization requirements as specified by DHHS must be kept on file, unless there is a signed statement by a licensed health care provider stating immunizations are in progress.

(5) A center shall report to DHHS, by October 1 of each year and using the method established by the DHHS, immunizations for all children enrolled, under section 9211(2) of the public health code, 1978 PA 368, MCL 333.9211(2).

(6) Within 30 days of a child’s initial attendance, a center shall obtain, keep on file, and make accessible in the center a record of a physical evaluation of the child that notes any restrictions and is signed by a physician or the physician’s designee. An electronic record from a physician’s office will be accepted. The physical evaluation must be performed within 1 of the following time limits:
   (a) For an infant, within the preceding 3 months.
   (b) For toddlers, within the preceding 6 months.
   (c) For preschoolers, within the preceding 12 months.

(7) Physical evaluations must be updated as follows:
   (a) Yearly for infants and toddlers.
   (b) Every 2 years for preschoolers.

(8) Upon enrollment and annually thereafter, a center shall obtain and keep on file at the center a signed statement from a school-age child’s parent confirming all of the following:
   (a) The child is in good health with activity restrictions noted.
   (b) The child’s immunizations are up-to-date.
   (c) The immunization record or appropriate waiver is on file with the child’s school.

(9) A center shall ensure that, if a parent objects to a physical examination or medical treatment on religious grounds, then the parent provides a signed statement annually that the child is in good health and that the parent assumes responsibility for the child’s state of health while at the center.

(10) A center that enrolls a homeless child pursuant to the section 722 of the McKinney-Vento homeless education assistance improvements act of 2001, as amended by section 9102 of the every student succeeds act, 42 USC 11432, shall not be cited for noncompliance when a homeless child is unable to produce health and immunization records. The licensee shall file any documentation of referring a child to the local educational agency liaison for homeless children and youths.

(11) A center shall maintain an accurate record of daily attendance at the center that includes each child’s first and last name and each child’s arrival and departure time. Electronic records may be used. If electronic attendance records are used, then they must be available to the department at the time of an inspection. If the electronic attendance records are not available during an on-site inspection, then the center is in violation of this rule.

(12) A parent’s written permission for the child’s participation in field trips must be obtained at the time of enrollment or before each field trip, and kept on file at the center.

(13) Parents shall be notified before each field trip.
R 400.8146 Information provided to parents.

Rule 146. (1) A center shall provide a written information packet to each parent enrolling a child that includes at least all of the following:
   (a) Criteria for admission and withdrawal.
   (b) Schedule of operation, denoting hours, days, and holidays during which the center is open, and services are provided.
   (c) Fee policy.
   (d) Discipline policy.
   (e) Food service policy.
   (f) Program philosophy.
   (g) Typical daily routine.
   (h) Parent notification plan for accidents, injuries, incidents, and illnesses.
   (i) Transportation policy, if applicable.
   (j) Medication policy.
   (k) Exclusion policy for child illnesses.
   (l) Notice of the availability of the center’s licensing notebook. The notice must include all of the following:
      (i) The licensing notebook contains all the licensing inspection and special investigation reports and related corrective action plans for the last 5 years.
      (ii) The licensing notebook is available to parents during regular business hours.
      (iii) Licensing inspection reports, special investigation reports, and corrective action plans from at least the past 3 years are available on the department’s child care licensing website at www.michigan.gov/michildcare. The website address must be in bold print.
   (m) The website where parents can access these rules is www.michigan.gov/michildcare.

(2) Written documentation that the parent received the written information packet, as required by subrule (1) of this rule, must be kept on file at the center.

(3) For infants and toddlers, a center shall provide parents with a written daily record that includes at least the following information:
   (a) Food intake time, type of food, and amount eaten.
   (b) Sleeping patterns indicating when and how long the child slept.
   (c) Elimination patterns, including bowel movements, consistency, and frequency.
   (d) Developmental milestones.
   (e) Changes in the child’s usual behaviors.

(4) Parents of children with special needs may request a written daily record that includes at least the information required by subrule (3) of this rule.

R 400.8149 Parent permission for transportation.

Rule 149. (1) A center shall obtain a parent’s written permission annually for routine transportation.

(2) A center shall obtain a parent’s written permission for any non-routine transportation before each trip.

(3) Permission for all transportation must be kept on file at the center.

R 400.8152 Medication; administrative procedures.

Rule 152. (1) Medication, prescription or nonprescription, must be given to a child by a child care staff member only.
(2) A child care staff member shall give or apply medication, prescription or nonprescription, only with prior written permission from a parent.

(3) All medication must be in its original container, stored according to instructions, and clearly labeled for a named child, including all nonprescription topical medications described in subrule (8) of this rule.

(4) Prescription medication must have the pharmacy label indicating the physician’s name, child’s first and last name, instructions, name and strength of the medication, and must be given according to those instructions.

(5) A child care staff member shall keep all medication out of the reach of children and shall return it to the child’s parent or destroy it when the parent determines it is no longer needed or it has expired.

(6) A child care staff member shall give or apply any prescription or nonprescription medication according to the directions on the original container, unless otherwise authorized by a written order of the child’s physician.

(7) A child care staff member shall not add medication to a child’s bottle, beverage, or food unless indicated on the prescription label.

(8) Topical nonprescription medication, including but not limited to diapering cream, triple antibiotic, sunscreen, and insect repellent, requires written parental authorization annually.

(9) A center shall maintain a record as to the time and the amount of medication given or applied, with the exception of medications described in subrule (8) of this rule, on a form provided by the department or a comparable substitute approved by the department. One form per medication is required. The signature of the child care staff member administering the medication must be included.

R 400.8155 Child accidents and incidents; child and staff illness.

Rule 155. (1) A center shall have a written plan for how and when a parent is notified when personnel observe any of the following:

(a) Changes in a child’s health.

(b) A child experiences an accident, injury, or incident.

(c) A child is too ill to remain in the group.

(2) A center shall ensure that a child who is too ill to remain in the group is placed in a separate area and is cared for and supervised until the parent arrives.

(3) Items and facilities used by an ill child or adult must not be used by any other individual until washed, rinsed, and sanitized.

(4) If a center becomes aware that a staff member, volunteer, or child in care has contracted a communicable disease, then the center shall notify parents and provide all of the following information:

(a) The name of the communicable disease the children were exposed to.

(b) The symptoms of the disease.

(c) Prevention measures as recommended by the U.S. Centers for Disease Control and Prevention (CDC) at the following website: https://www.cdc.gov/DiseasesConditions.

(5) A center shall have a written policy detailing when children, staff, and volunteers will be excluded from the center due to illness.

R 400.8158 Incident, accident, injury, illness, death, fire reporting.

Rule 158. (1) In the event of the death of a child in care, a licensee, licensee designee, or program director shall do both of the following:

(a) Immediately report it, in-person or via phone, directly to the child’s parent.
(b) Report it to the department within 24 hours, via phone.

(2) A licensee, licensee designee, or program director shall report to the child’s parent and the department, directly or via phone, fax, or email, within 24 hours of the occurrence of any of the following:

(a) A child is lost or left unsupervised.
(b) An incident involving an allegation of inappropriate contact.
(c) A fire on the premises of the center that requires the use of fire suppression equipment or results in loss of life or property.
(d) The center is evacuated for any reason.

(3) A licensee, licensee designee, or program director shall report to the department, via phone, fax, or email, within 24 hours of notification by a parent that a child received medical treatment or was hospitalized for an injury, accident, or medical condition that occurred while the child was in care.

(4) A licensee, licensee designee, or program director shall submit a written report to the department of the occurrences outlined in subrules (1), (2), and (3) of this rule, in a format provided by the department, within 72 hours of the verbal report to the department.

(5) A licensee, licensee designee, or program director shall keep a copy of the report on file at the center.

R 400.8161 Emergency procedures.

Rule 161. (1) Written procedures for the care of children and staff for each of the following emergencies must be developed and implemented:

(a) Fire.
(b) Tornado.
(c) Other natural or man-made disasters.
(d) Serious accident, illness, or injury.
(e) Crisis management including, but not limited to, intruders, active shooters, bomb threats, and other man-made events.

(2) The written procedures must include all of the following:

(a) A plan for evacuation.
(b) A plan for safely moving children to a relocation site.
(c) A plan for shelter-in-place.
(d) A plan for lockdown.
(e) A plan for contacting parents and reuniting families.
(f) A plan for how each child with special needs will be accommodated during each type of emergency.
(g) A plan for how infants and toddlers will be accommodated during each type of emergency.
(h) A plan for how children with chronic medical conditions will be accommodated during each type of emergency.

(3) The plans required by subrule (1)(a) to (d) of this rule must be posted in a place visible to staff and parents.

(4) The crisis management plan required by subrule (2) of this rule must be maintained in a place known and easily accessible to all personnel.

(5) A fire drill program, consisting of at least 1 fire drill quarterly, must be established and implemented.

(6) A tornado drill program, consisting of at least 2 tornado drills between the months of March through November, must be established and implemented.
(7) A written log indicating the date and time of fire and tornado drills must be kept on file at the center.

(8) Each child care staff member shall be trained at least twice a year on his or her duties and responsibilities for all emergency procedures referenced in subrule (1) of this rule.

(9) If cribs are used in emergency evacuations, then all doors within the means of egress must be wide enough to readily accommodate the crib evacuation.

R 400.8164 Telephone service.
Rule 164. (1) An operable phone must be available and accessible in the building during the hours the center is in operation.

(2) During the hours the center is in operation, a phone number known to the public and available to parents to provide immediate access to the center must be provided.

(3) Emergency phone numbers, including 911, fire, police, and the poison control center, and the facility’s physical address and 2 main cross streets, must be conspicuously posted in a place visible to staff.

R 400.8167 Indoor space.
Rule 167. (1) The required square footage of indoor space per child must be at least the following:
   (a) Fifty square feet for infants and toddlers.
   (b) Thirty-five square feet for preschoolers and school-agers.

(2) The following indoor space is excluded from the required square footage:
   (a) Hallways.
   (b) Bathrooms.
   (c) Reception and office areas.
   (d) Kitchens.
   (e) Storage areas and closets.
   (f) Areas used exclusively for resting, sleeping, or eating, except for infants and toddlers.

(3) A center shall provide a floor plan of all child use areas to the department at initial licensure and before making structural changes or adding any child use space. Only space that has received prior approval for child use by the department may be used for child care.

R 400.8170 Outdoor play area.
Rule 170. (1) As used in this rule:
   (a) “Certified playground safety inspector” means an individual certified by the National Playground Safety Institute or the National Program for Playground Safety to conduct playground safety inspections.
   (b) “Natural playground” means an outdoor play area that blends natural materials, features, and vegetation.

(2) The outdoor play area is considered an outdoor classroom and an extension of the learning environment.

(3) A center operating with children in attendance for 3 or more continuous hours per day shall provide daily outdoor play, unless prevented by inclement weather or other weather conditions that could result in children becoming overheated or excessively chilled.

(4) A center operating with children in attendance for 3 or more continuous hours a day shall have an outdoor play area that has at least 1,200 square feet. More than 1,200 square feet of outdoor play area
may be required when the minimum amount is not adequate for the number of children for which the center is licensed.

(5) If outdoor space is not available adjacent to the center, then a center may use a park or other outdoor facility. The outdoor space must meet all of the following requirements:

(a) The area must be easily accessible by a safe walking route.
(b) The play area must be inspected before each use to ensure that no hazards are present.
(c) The location of the alternative outdoor play area must be specified in writing to the department.

(6) There must be a shaded area to protect children from excessive sun exposure, when necessary.

(7) The outdoor play area must be in a safe location.

(8) The outdoor play area must be protected from hazards, when necessary, by a fence or natural barrier that is at least 48 inches in height.

(9) Children shall only use age-appropriate equipment.

(10) An outdoor play area and any equipment located on the center’s premises must be maintained in a safe condition and inspected daily before use to ensure that no hazards are present.

(11) The playground equipment, use zones, and surfacing in the outdoor play area must be inspected by a certified playground safety inspector and an approval granted for playground equipment and areas used before issuance of an original license, upon request of the department, and before using any newly added playground equipment. The center shall provide documentation of the inspection to the department upon request and shall keep it on file at the center.

(12) School-age centers operating in school buildings approved by the Michigan department of education are exempt from subrule (11) of this rule, provided the licensee informs parents, in writing at the time of enrollment, if the center plans to use a public school’s outdoor play area and equipment that do not comply with subrule (11) of this rule.

(13) All pieces of playground equipment that have an elevated playing or climbing surface, regardless of the height of the playing or climbing surface, must be surrounded by a shock absorbing surface and meet the guidelines defined by the Consumer Product Safety Commission (CPSC) Handbook for Public Playground Safety, which is available at no cost at www.cpsc.gov. This handbook is also available for inspection, and distribution at no cost, at the Michigan Department of Licensing and Regulatory Affairs, Bureau of Community and Health Systems, Child Care Division, 611 West Ottawa Street, Lansing, MI 48933. The shock absorbing surface material may be either unitary or the loose-fill type. An exception to this subrule is provided for natural playgrounds.

(14) Shock-absorbing surfacing materials are not required for equipment that requires a child to be standing or sitting on the ground during play.

(15) Loose-fill surfacing material must not be installed over concrete or asphalt.

(16) The depth of the loose-fill surface material must be restored to its required depth when it has moved or becomes otherwise compromised.

(17) If children’s wheeled vehicles and pull toys are used, then a suitable surface must be provided for their use.

(18) Materials used on a natural playground must not be in the use zones for other playground equipment.

(19) The elevated playing surface of materials used on a natural playground must not exceed 30 inches.

(20) Materials used on a natural playground with elevated playing surfaces must not be installed over concrete or asphalt.

(21) Surfacing materials are not required under elevated playing surfaces on a natural playground.
Rule 173. (1) A center shall not use equipment, materials, and furnishings recalled or identified by the United States Consumer Product Safety Commission (CPSC) as being hazardous. This information is available free of charge at the CPSC website, www.cpsc.gov.

(2) The current list of unsafe children’s products that is provided by the department must be conspicuously posted in the center, as required by section 15 of the children’s product safety act, 2000 PA 219, MCL 722.1065.

(3) Materials that have a warning label indicating they are toxic for children, or to keep out of reach of children, must not be used by children.

(4) Play equipment, materials, and furniture, must be all of the following:
   (a) Appropriate to the developmental needs and interests of children as required by R 400.8179(2).
   (b) Safe, clean, and in good repair.
   (c) Child-sized or appropriately adapted for a child’s use.
   (d) Easily accessible to the children.

(5) A center shall provide a minimum of 3 playspaces per child multiplied by the number of children the center is licensed to serve.

(6) A minimum of 2 playspaces must be accessible per child in attendance on any given day during child-initiated activity time.

(7) Children shall have access to equipment and materials in the following areas on a daily basis:
   (a) Large and small muscle activity.
   (b) Sensory exploration.
   (c) Social interaction and dramatic play.
   (d) Discovery and exploration.
   (e) Early math and science experiences.
   (f) Creative experiences through art, music, and literature.

(8) A current and accurate equipment inventory must be provided to the department before issuance of the original license and updated and made available at each renewal.

(9) A first aid kit must be readily accessible to staff and securely stored in the center.

(10) A rocking chair or other comfortable, adult-sized seating must be provided for 50% of the child care staff members on duty who are providing infant and toddler care.

(11) Trampolines and bounce houses must not be used by children in care at the child care center.

R 400.8176 Sleeping equipment.

Rule 176. (1) All bedding and sleeping equipment must be appropriate for the child, clean, comfortable, safe, and in good repair.

(2) Heavy objects that could fall on a child, such as shelving and televisions, must not be above sleeping equipment.

(3) A crib or porta-crib must be provided for all infants in care.

(4) A crib, porta-crib, cot, or mat, and a sheet or blanket of appropriate size must be provided for all toddlers and preschoolers under 3 years of age in care.

(5) A cot or a mat and a sheet or blanket of appropriate size must be provided as follows:
   (a) For all preschoolers 3 years of age and older in care for 5 or more continuous hours.
   (b) For any child in care who regularly naps.
   (c) Upon a parent’s request for any child in care.

(6) Car seats, infant seats, swings, bassinets, and play yards are not approved sleeping equipment.

(7) Documentation from the child’s health care provider is required if a child has a health issue or special need that requires the child to sleep in something other than a crib or porta-crib for infants or
toddlers, or cot or mat for toddlers. The documentation must include specific sleeping instructions and
time frames for how long the child needs to sleep in this manner, including an end date.

(8) Swaddling with a sleep sack swaddle attachment or swaddle wrap is allowed only for infants up to
2 months of age. If a child has a health issue or special need that requires the child use a swaddle
attachment or swaddle wrap after the child is 2 months of age, documentation from the health provider is
required. The documentation must include specific sleeping instructions and time frames for how long
the child needs to sleep in this manner, including an end date.

(9) A center shall not use stacking cribs.

(10) Cribs and porta-cribs must comply with the federal product safety standards issued by the United
States Consumer Product Safety Commission, which are available at no cost at the commission’s
website, www.cpsc.gov. These standards are also available for inspection or distribution at no cost from
the Michigan Department of Licensing and Regulatory Affairs, Bureau of Community and Health
Systems, Child Care Division, 611 West Ottawa Street, Lansing, MI 48933.

(11) A crib or porta-crib must have a firm, tight-fitting waterproof mattress.

(12) A tightly fitted bottom sheet must cover the crib or porta-crib mattress with no additional padding
placed between the sheet and mattress.

(13) Soft objects, bumper pads, stuffed toys, blankets, quilts, comforters, and other objects that could
smother a child must not be placed in, or within reach of, a crib or porta-crib with a resting or sleeping
infant.

(14) Blankets must not be draped over cribs or porta-cribs when in use.

(15) Cots and mats must be constructed of a fabric or plastic that is easily cleanable.

(16) All sleeping equipment and bedding must be washed, rinsed, and sanitized when soiled, between
uses by different children, and at least once a week regardless of use by different children.

(17) When sleeping equipment and bedding are stored, both of the following apply:

(a) Sleeping surfaces shall not come in contact with other sleeping surfaces.

(b) Bedding must not come in contact with other bedding.

(18) All occupied cribs, porta-cribs, cots, and mats must be placed in such a manner that there is a free
and direct means of egress and must be spaced as follows:

(a) Cribs and porta-cribs must be at least 2 feet apart. Cribs or porta-cribs with solid-panel ends may
be placed end-to-end.

(b) Cots and mats must be at least 18 inches apart.

R 400.8179 Program.

Rule 179. (1) As used in this rule:

(a) “Confining equipment” means equipment used to assist in caring for infants, including but is not
limited to, swings, stationary activity centers, infant seats, and molded seats.

(b) “Media” means use of electronic devices with a screen, including but not limited to: televisions,
computers, tablets, multi-touch screens, interactive white boards, mobile devices, cameras, movie

(c) “Interactive media” means media designed to facilitate active and creative use by children and to
courage social engagement with other children and adults.

(d) “Non-interactive media” means media that is used passively by children.

(2) A center shall implement a program plan that includes daily learning experiences appropriate to the
developmental level of the children. Experiences must be designed to develop all of the following:

(a) Physical development.

(b) Social development.

(c) Emotional development.
(d) Cognitive development.

(3) The program must be planned to provide a flexible balance of all of the following experiences:
   (a) Quiet and active.
   (b) Individual and group.
   (c) Large and small muscle.
   (d) Child initiated, and staff initiated.

(4) Developmentally appropriate experiences must be designed so that throughout the day each child has opportunities to do all of the following:
   (a) Practice social interaction skills.
   (b) Use materials and take part in activities that encourage creativity.
   (c) Learn new ideas and skills.
   (d) Participate in imaginative play.
   (e) Participate in developmentally appropriate language and literacy experiences.
   (f) Participate in early math and science experiences.
   (g) Be physically active.

(5) A school-age program must supplement the areas of development not regularly provided for during the school day.

(6) A typical daily routine must be posted in a place visible to parents.

(7) When awake, use of confining equipment for infants must be minimized, not to exceed 30 minutes at a time.

(8) Tummy time is required daily for all infants under 12 months of age, and must meet all of the following requirements:
   (a) Infants shall be directly supervised at all times while engaged in tummy time.
   (b) Infants shall be healthy, awake, and alert during tummy time. If an infant falls asleep, the infant must be immediately moved to a safe sleeping space.
   (c) During tummy time, infants shall not be placed on or near soft surfaces, including but not limited to cushions, pillows, or padded mats.
   (d) A parent may request in writing an exemption for their infant from tummy time. The request must be kept in the child’s file.

(9) Use of media is prohibited for children under 2 years of age.

(10) When media are used with children 2 years of age and older, all of the following apply:
   (a) Activities must be developmentally appropriate.
   (b) Interactive media must be used to support learning and to expand children’s access to content, and be suitable to the age of the child in terms of content and length of use per session.
   (c) Media with violent or adult content are prohibited while children are in care.
   (d) Use of non-interactive media must not exceed 2 hours per week per child.
   (e) When media are available for children’s use, other activities must also be available to children.

(11) An exception to the requirements of subrule (10)(d) of this rule may be made under the following conditions:
   (a) School-age children using computers and any other electronic devices for academic and educational purposes.
   (b) Children using assistive and adaptive technology.

(12) For children with special needs, care must be provided according to the child’s needs as identified by parents, medical personnel, or other relevant professionals.

(13) Parents may visit the center during hours of operation for the purpose of observing their children.

R 400.8182 Ratio and group size requirements.
Rule 182. (1) At least 2 adults, 1 of whom is a child care staff member, shall be present at all times when at least 3 children between the ages of birth and 3 years of age are present. A second child care staff member is required when needed to comply with subrule (3) of this rule.

(2) At least 2 adults, 1 of whom is a child care staff member, shall be present at all times when 7 or more children over 3 years of age are present. A second child care staff member is required when needed to comply with subrule (3) of this rule.

(3) In each room or well-defined space, the maximum group size and ratio of child care staff members to children, including children related to a staff member or the licensee, must be as shown in Table 4:

<table>
<thead>
<tr>
<th>Age</th>
<th>Child Care Staff Member to Child Ratio</th>
<th>Maximum Group Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Infants and toddlers, birth until 30 months of age</td>
<td>1 to 4</td>
<td>12</td>
</tr>
<tr>
<td>(b) Preschoolers, 30 months of age until 3 years of age</td>
<td>1 to 8</td>
<td>16</td>
</tr>
<tr>
<td>(c) Preschoolers, 3 years of age until 4 years of age</td>
<td>1 to 10</td>
<td>Not applicable</td>
</tr>
<tr>
<td>(d) Preschoolers, 4 years of age until school-age</td>
<td>1 to 12</td>
<td>Not applicable</td>
</tr>
<tr>
<td>(e) School-agers</td>
<td>1 to 18</td>
<td>Not applicable</td>
</tr>
</tbody>
</table>

(4) Children who have reached 33 months of age may, when developmentally appropriate, be enrolled in a 3-year-old classroom with written parental permission. The ratio listed in subrule (3)(c) of this rule applies.

(5) Children who have reached 45 months of age may, when developmentally appropriate, be enrolled in a 4-year-old classroom with written parental permission. The ratio listed in subrule (3)(d) of this rule applies.

(6) Children who have reached 57 months of age but who are not considered a school-ager may, when developmentally appropriate, be enrolled in a school-age classroom with written parental permission. The ratio listed in subrule (3)(e) of this rule applies.

(7) If there are children of mixed ages in the same room or well-defined space, then the ratio and group size is determined by the age of the youngest child, unless each group of children is clearly separated and the appropriate child care staff member-to-child ratios and group sizes, if applicable, for each age group are maintained.

(8) An exception to the requirements of subrule (3) of this rule may be made when the center is transporting children and is in compliance with R 400.8760(1) and (2).

R 400.8185 Primary care.

Rule 185. (1) As used in this rule, “primary caregiver” means the child care staff member to whom the care of a specific infant or toddler is assigned. The primary caregiver is responsible for direct care, verbal and physical interactions, primary responses to the child’s physical and emotional needs, and continued interaction with the child’s parents regarding the child’s experiences.

(2) The center shall implement a primary care system so that each infant and toddler has a primary caregiver.
(3) Each infant and toddler shall have not more than 4 primary caregivers in a week. For centers operating less than 24 hours a day, an exception may occur during the first hour after the center opens and the hour before closing.

(4) Information regarding a child’s food, health, and temperament must be shared daily between primary caregivers when more than 1 primary caregiver is assigned to any infant or toddler.

(5) Primary caregiving assignments must be documented and provided to parents.

(6) An exception to this rule may be made when the center is transporting children and is in compliance with R 400.8760(1) and (2).

R 400.8188 Sleeping, resting, and supervision.

Rule 188. (1) Children under 3 years of age shall be provided opportunities to rest regardless of the number of hours in care.

(2) A center shall permit children under 18 months of age to sleep on demand.

(3) Infants shall rest or sleep alone in cribs or porta-cribs.

(4) Infants shall be placed on their backs for resting and sleeping.

(5) Infants unable to roll from their stomachs to their backs and from their backs to their stomachs shall be placed on their backs when found face down.

(6) When infants can easily turn over from their stomachs to their backs and from their backs to their stomachs, they shall be initially placed on their backs, but shall be allowed to adopt whatever position they prefer for sleep.

(7) For an infant who cannot rest or sleep on her or his back due to disability or illness, written instructions, signed by the infant’s licensed health care provider, detailing an alternative safe sleep position or other special sleeping arrangements for the infant must be followed and kept on file at the center. The instructions must include an end date.

(8) A sleeping infant’s breathing, sleep position, and bedding must be monitored frequently for possible signs of distress.

(9) An infant’s head must remain uncovered during sleep.

(10) Toddlers shall rest or sleep alone in cribs, porta-cribs, or on mats or cots.

(11) Infants and toddlers who fall asleep in a space that is not approved for sleeping shall be moved to approved sleep equipment appropriate for their age and size.

(12) Naptime or quiet time must be provided when children under school-age are in attendance 5 or more continuous hours per day.

(13) For children under school age who do not sleep at rest time, quiet activities must be provided such as reading books or putting puzzles together.

(14) Resting or sleeping areas must have adequate soft lighting to allow the child care staff member to assess children.

(15) Video surveillance equipment and baby monitors must not be used in place of subrule (8) of this rule and R 400.8125(1).

R 400.8191 Nighttime care.

Rule 191. (1) If a child is in care between the hours of 11 p.m. and 5 a.m., a separate area, away from sleeping children, where the child can engage in quiet activities must be available.
(2) If a child is in care for more than 1 hour between the hours of 11 p.m. and 5 a.m., a bed and mattress, with a waterproof covering, of a size appropriate to the age of the child shall be available.

PART 2. ENVIRONMENTAL HEALTH

R 400.8301 Definitions.
Rule 301. As used in this part:
(a) “Bulk foods” means larger quantities of food that are used over time, such as flour, sugar, noodles, and rice. Food that is used up in a week or less, such as crackers, are not considered bulk foods.
(b) “Corrosion-resistant materials” means those materials that maintain their original surface characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and bacterial solutions, and other conditions-of-use environment.
(c) “Food grade surface” means a surface that is easily cleanable and made from a material that will not migrate into, contaminate, or taint the food.
(d) “Food service equipment” means stoves, ovens, ranges, hoods, slicers, mixers, meat blocks, tables, counters, refrigerators, sinks, dishwashing machines, steam tables, and similar items other than utensils, used in the operation of a center.
(e) “Food” means any raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use in whole or in part for human consumption.
(f) “Food-contact surface” means those surfaces of equipment and utensils with which food normally comes in contact, and those surfaces from which food may drain, drip, or splash back onto surfaces normally in contact with food.
(g) “Packaged” means bottled, canned, in a carton, or securely wrapped.
(h) “Potentially hazardous food” means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacean, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms.
(i) “Ready to eat food” means food that does not require cooking and that will not be cooked before being served.
(j) “Sealed” means free of cracks or other openings that permit the entry or passage of moisture.
(k) “Single-service articles” means those food service articles intended for 1-time, 1-person use and then discarded.
(l) “Tableware” means multi-use eating and drinking utensils.
(m) “Utensil” means any implement used in the storage, preparation, transportation, or service of food.

R 400.8305 Plan review; approval; inspections.
Rule 305. (1) All local health department requirements regarding plan reviews and specifications must be followed. Written confirmation that this has occurred must be submitted to the department.
(2) An inspection must be conducted by the local health department, and an approval granted indicating compliance with all of the rules in this part, except R 400.8330, 400.8335, and 400.8340, at all of the following times:
(a) Before issuance of an original license.
(b) Every 2 years, at the time of renewal, if the center has a private well or septic.
(c) Every 2 years, at the time of renewal, if the center provides food service where the food is prepared and served on-site, unless the kitchen is currently licensed to provide food service.

(d) Prior to adding a food service program.

(e) Prior to adding an infant or toddler program.

(f) When requested by the department.

R 400.8310 Food preparation areas.

Rule 310  (1) Food contact surfaces must be smooth, nontoxic, easily cleanable, durable, corrosion resistant, and nonabsorbent.

(2) Carpeting is prohibited in food preparation areas.

(3) Mechanical ventilation to the outside is required for all commercial cooking equipment, which includes but is not limited to, stoves, ranges, ovens, and griddles.

(4) If residential hood ventilation is used, then cooking equipment must be limited to residential stove and oven equipment.

(5) Mechanical ventilation to the outside may be required if a problem is evidenced.

(6) The use of deep fryers is prohibited.

(7) Live animals are prohibited in food preparation and eating areas.

(8) When the only food preparation is for feeding infants and toddlers, there must be a sink that is used exclusively for food preparation and clean up.

R 400.8315 Food and equipment storage.

Rule 315.  (1) Each refrigerator must have an accurate working thermometer indicating a temperature of 41 degrees Fahrenheit or below.

(2) All artificial lighting fixtures located over, by, or within food storage, preparation, and service areas, or where utensils and equipment are cleaned and stored, must be properly shielded.

(3) Unpackaged bulk foods must be stored in clean covered containers, dated, and labeled as to the contents.

(4) Food not subject to further washing or cooking before serving must be stored in a way that protects it from cross-contamination from food requiring washing or cooking.

(5) Packaged food must not be stored in contact with water or undrained ice.

(6) Poisonous or toxic materials must not be stored with food, food service equipment, utensils, or single-service articles.

(7) Food, food service equipment, and utensils must not be located under exposed or unprotected sewer lines, open stairwells, or other sources of contamination. Automatic fire protection sprinkler heads are the exception.

(8) The storage of food, food service equipment, or utensils in toilet rooms is prohibited.

(9) Food and utensils must be stored in a cabinet or a shelf above the floor.

(10) All food service equipment must be above the floor, moveable, or be properly sealed to the floor.

(11) Meals that are transported must be prepared in commercial kitchens and delivered in carriers approved by the local health department.

R 400.8320 Food preparation.

Rule 320.  (1) Food must be in sound condition, free from spoilage, filth, or other contamination and be safe for human consumption.

(2) Food must be prepared on food grade surfaces that have been washed, rinsed, and sanitized.
(3) Raw fruits and vegetables must be thoroughly washed before being cooked or served.
(4) Staff shall minimize bare-hand contact with foods that will be cooked.
(5) Ready to eat foods must not be prepared or served using bare hands.
(6) Food must be cooked to heat all parts of the food to the safe temperature as identified in the document titled Safe Minimum Cooking Temperatures, published by the U.S. Food Safety Working Group. This document is adopted by reference in this rule and is available at no cost on the Foodsafety.gov website, https://www.foodsafety.gov/keep/charts/mintemp.html. It is also available for inspection and distribution at no cost from the Michigan Department of Licensing and Regulatory Affairs, Bureau of Community and Health Systems, Child Care Division, 611 West Ottawa Street, Lansing, MI 48933.
(7) Potentially hazardous foods must be thawed using 1 of the following methods:
   (a) In the refrigerator at a temperature not to exceed 41 degrees Fahrenheit.
   (b) Completely submerging the item under cold water, at a temperature of 70 degrees Fahrenheit or below, that is running fast enough to float off loose ice particles.
   (c) In a microwave oven for either of the following:
      (i) The food will be immediately transferred to conventional cooking facilities as part of a continuous cooking process.
      (ii) The entire cooking process takes place in the microwave oven.
   (d) As part of the conventional cooking process.
(8) The temperature of potentially hazardous foods must be 41 degrees Fahrenheit or below, or 135 degrees Fahrenheit or above, at all times, except during necessary periods of preparation.
(9) Potentially hazardous foods that have been cooked and then refrigerated or frozen must be reheated rapidly to 165 degrees Fahrenheit or higher throughout before being served or before being placed in a hot food storage facility.
(10) Accurate metal stem-type food thermometers must be used to assure the attainment and maintenance of proper internal cooking, holding, reheating, or refrigeration temperatures of all potentially hazardous foods.
(11) On field trips, all foods must be protected from contamination at all times as required by this rule.
(12) In the absence of proper hand washing facilities on field trips, individuals preparing and serving food shall wear sanitary disposable food service gloves.

R 400.8325 Sanitization.
Rule 325. (1) All tableware, utensils, food contact surfaces, and food service equipment must be thoroughly washed, rinsed, and sanitized after each use. Multi-purpose tables must be thoroughly washed, rinsed, and sanitized before and after they are used for meals or snacks.
(2) Enamelware utensils are prohibited.
(3) Reuse of single service articles is prohibited.
(4) Multi-use tableware and utensils must be washed, rinsed, and sanitized using 1 of the following methods:
   (a) A commercial dishwasher.
   (b) A residential dishwasher with sanitizing capability.
   (c) A 3-compartment sink and adequate drain boards.
   (d) A 2-compartment sink for washing and rinsing, a third container suitable for complete submersion for sanitizing, and adequate drain boards.
(5) If the manual washing method is used, as referenced in subrule (4)(c) and (d) of this rule, all of the following must be done:
   (a) Rinse and scrape all utensils and tableware before washing.
(b) Thoroughly wash in detergent and water.
(c) Rinse in clear water.
(d) Sanitize using 1 of the following methods:
   (i) Immersion for at least 30 seconds in clean, hot water of at least 170 degrees Fahrenheit.
   (ii) Immersion for at least 1 minute in a solution containing between 50 and 100 parts per million of chlorine or comparable sanitizing agent at a temperature of at least 75 degrees Fahrenheit. A test kit or other device that measures parts per million concentration of the solution must be used when a chemical is used for sanitizing.
(e) Air dry.
(6) Sponges must not be used in a food service operation.

R 400.8330 Food services and nutrition generally.
   Rule 330. (1) Snacks and meals must be provided by the center, except when 1 of the following circumstances occurs:
      (a) A majority of the children are in attendance less than 2.5 hours.
      (b) Food is provided by a parent.
   (2) A written agreement must be kept on file at the center if the parent has agreed to provide formula, milk, or food. The center shall provide an adequate amount of formula, milk, or food if the parent does not.
   (3) Beverages and food must be appropriate for the child’s individual nutritional requirements, developmental stages, and special dietary needs, including cultural preferences.
   (4) A center shall ensure a child who has special dietary needs is provided with snacks and meals in accordance with the child’s needs and with the instructions of the child’s parent or licensed health care provider.
   (5) A center shall provide adequate staff so that food service activities do not detract from direct care and supervision of children.
   (6) A center shall make water available to drink throughout the day to children 1 year of age and older.
   (7) Infants and toddlers shall be fed on demand.
   (8) A child shall be served meals and snacks in accordance with the following schedule:
      (a) Two and a half hours to 4 hours of operation: a minimum of 1 snack.
      (b) Four hours to 6 hours of operation: a minimum of 1 meal and 1 snack.
      (c) Seven hours to 10 hours of operation: a minimum of 1 meal and 2 snacks or 2 meals and 1 snack.
      (d) Eleven hours or more of operation: a minimum of 2 meals and 2 snacks.
   (9) A center shall not deprive a child of a snack or meal if the child is in attendance at the time when the snack or meal is served.
   (10) Menus must be planned in advance, dated, and posted in a place visible to parents. Food substitutions must be noted on the menus the day the substitution occurs.
   (11) A center shall not serve infants and toddlers or allow them to eat foods that could easily cause choking, including but not limited to, popcorn, seeds, nuts, hard candy and uncut round foods such as whole grapes and hot dogs.
   (12) Cereal must not be added to a bottle or beverage container without written parental permission.
   (13) If food, bottles, or beverage containers are warmed, then the warming must be done in a safe, appropriate manner.
   (14) Warming bottles and beverage containers in a microwave oven or a crockpot is prohibited.
   (15) Bottle warmers must be placed where children cannot access them or reach the cords for them.
   (16) Bottle warmers must be shut off when not in use. A child care staff member shall not hold a child while removing a bottle from the heating device.
(17) Warmed food, bottles, and beverage containers must be shaken or stirred to distribute the heat, and the temperature must be tested before feeding.
(18) The contents of a bottle or beverage container must be discarded if any of the following apply:
   (a) The contents appear to be unsanitary.
   (b) The bottle or beverage container has been used for feeding for a period that exceeds 1 hour from the beginning of the feeding.
   (c) The bottle or beverage container requiring refrigeration has been unrefrigerated for 1 hour or more.
(19) Formula and milk, including breast milk, left in a bottle or beverage container after a feeding must not be reused.
(20) Bottle propping is prohibited.
(21) When feeding, child care staff members shall hold infants, except when infants resist being held and are able to hold their bottle.
(22) Infants or toddlers shall not have bottles, beverage containers, or food in sleeping equipment.
(23) Children shall not have beverage containers or food while they are walking around or playing.
(24) Child care staff members shall foster and facilitate toddlers’ independence, language, and social interactions by doing all of the following:
   (a) Encouraging self-feeding.
   (b) Serving appropriate portion sizes.
   (c) Sitting with toddlers during meal times.
(25) Breastfeeding must be supported and accommodated.
(26) A designated place must be set aside for use by mothers who are breastfeeding.

R 400.8335 Food services and nutrition; provided by center.
   Rule 335. (1) Food and beverages provided by a center must be of sufficient quantity and nutritional quality to provide for the dietary needs of each child according to the minimum meal requirements of the child and adult care food program (CACFP), as administered by the Michigan department of education, based on 7 CFR part 226, 1-1-18 edition, (2018) of the United States Department of Agriculture, Food and Nutrition Service, CACFP, and is hereby adopted by reference. A copy can be obtained at no cost from CACFP at http://www.fns.usda.gov/cacfp/meals-and-snacks. In addition, a copy is available for inspection and distribution at no cost at the Michigan Department of Licensing and Regulatory Affairs, Bureau of Community and Health Systems, Child Care Division, 611 West Ottawa Street, Lansing, MI 48933.
   (2) Solid foods must be introduced to an infant according to the parent’s or licensed health care provider’s instructions.
   (3) Infants shall only be served formula to drink unless written authorization is provided by the child’s licensed health care provider.
   (4) Children 12 months of age until 2 years of age shall be served whole homogenized Vitamin D-fortified cow’s milk, except as provided in R 400.8330(4).
   (5) Formula must be commercially prepared and ready-to-feed.
   (6) All fluid milk and fluid milk products must be pasteurized and meet the grade “A” quality standards.
   (7) Milk must be served from 1 of the following:
      (a) A commercially filled container stored in a mechanically refrigerated bulk milk dispenser.
      (b) A commercially filled container not to exceed 1 gallon.
      (c) A sanitized container only if poured directly from the original container.
   (8) All of the following apply to milk:
(a) Containers must be labeled with the date opened.
(b) Milk must be served within 7 days of opening.
(c) Milk must not be served if the contents appear to be unsanitary or have been unrefrigerated for a period exceeding 1 hour.
(d) Milk must not be combined with the contents of other partially filled containers.
(e) Contents remaining in single-service containers of milk shall must be discarded at the end of the snack or meal time.
(f) All containers of ready-to-feed formula, once opened, must be labeled with the date and time of opening, refrigerated, and used within 48 hours or be discarded.
(g) Prepared bottles and beverage containers of milk and formula must be refrigerated and labeled with the child’s first and last name, date, and time of preparation.
(h) Contents of unused bottles of formula must be discarded, along with any bottle liners, after 48 hours.
(i) All liners, nipples, formula, milk, and other materials used in bottle preparation must be prepared, handled, and stored in a sanitary manner.
(j) Reusable nipples and bottles must be washed, rinsed, and sanitized before reuse.
(k) Bottle liners and disposable nipples must be for single use only, by an individual child, and discarded with any remaining formula or milk after use.
(l) Commercially packaged baby food must be served from a dish, not directly from a factory-sealed container, unless the entire container will be served to only 1 child and will be discarded at the end of the feeding period.
(m) Uneaten food that remains on a dish from which a child has been fed must be discarded.
(n) Food that has been served and handled by the consumer of the food, may not be served again, unless it is in the original, unopened wrapper.
(o) Home canned products are prohibited.

Rule 340. (1) As used in this rule:
(a) “Same-day supply” means for use during a single day.
(b) “Multi-day supply” means for use over a multiple day period, up to 7 days.
(2) Breast milk, formula, milk, or other beverages provided in a same-day supply must be furnished daily in either of the following:
(a) Clean, sanitary, ready-to-feed bottles or beverage containers.
(b) A clean, sanitary, beverage container. The beverage must be poured into a clean, sanitary bottle or beverage container before each feeding.
(3) Breast milk, formula, milk, other beverages, and food furnished in a same-day supply must be covered and labeled with the child’s first and last name and the date.
(4) Any food or beverages furnished in a same-day supply must be returned to the parent at the end of the day or discarded.
(5) Milk, other beverages, and non-perishable food items may be furnished in a multi-day supply in an unopened commercial container.
(6) Breast milk may be supplied in a multi-day supply in a clean, sanitized container kept in the refrigerator for up to 4 days or kept in the freezer for no more than 2 weeks.
(7) Milk and other beverages furnished in a multi-day supply must be labeled with the child’s first and last name and the date of opening and be returned to the parent or discarded 7 days after opening.
(8) Non-perishable food items furnished in a multi-day supply must be labeled with the date of opening and when applicable, the first and last name of the child for whom its use is intended.
(9) Beverages and food must be fed only to the child for whom the item is labeled.
(10) Breast milk, formula, and milk must be refrigerated until used.
(11) Other perishable beverages and food items must be refrigerated or otherwise kept at a safe
temperature until used. Fresh, whole fruits and vegetables may be unrefrigerated for up to 3 calendar
days in a clearly labeled and dated container.

R 400.8345 Water supply; plumbing.
   Rule 345. (1) The water system must comply with the requirements of the local health department.
          (2) Plumbing must be designed, constructed, installed, and maintained to prevent cross-connection
          with the water system.
          (3) Sinks, lavatories, drinking fountains, and other water outlets must be supplied with safe water
          sufficient in quantity and pressure to meet conditions of peak demand.
          (4) All plumbing fixtures and water and waste pipes must be properly installed and maintained in good
          working condition.
          (5) Each water heater must be equipped with a thermostatic temperature control and a pressure relief
          valve, both of which must be in good working condition.

R 400.8350 Toilets; hand washing sinks.
   Rule 350. (1) A center shall provide toilet and hand washing sinks as follows:
           (a) A center operating with children in attendance less than 5 continuous hours a day shall provide at
           least 1 toilet and 1 hand washing sink for every 20 children or fraction thereof.
           (b) A center operating with children in attendance 5 or more continuous hours a day shall provide at
           least 1 toilet and 1 hand washing sink for every 15 children or fraction thereof.
          (2) After December 6, 2006, any center that is new, adds an infant and toddler component, or increases
          the licensed infant and toddler capacity shall have a diapering area with a readily accessible, designated
          hand washing sink.
          (3) After December 6, 2006, a separate hand washing sink is required in the kitchen for all of the
          following:
           (a) A new center with a food service component.
           (b) A center with a food service component that remodels the kitchen.
           (c) Any center that adds a food service component.
          (4) Hand washing sinks for children must be accessible to children by platform or installed at
          children’s level.
          (5) Hand washing sinks must have warm running water not to exceed 120 degrees Fahrenheit.
          (6) Soap and single service towels or other approved hand drying devices must be provided near hand
          washing sinks.
          (7) Toilet rooms for school-age children must provide for privacy.

R 400.8355 Sewage disposal.
   Rule 350. (1) Sewage and other water-carried wastes must be disposed of through a municipal or
private sewer system.
   (2) Private sewer and septic systems must be designed and operated to safely dispose of all wastewater
generated, be adequate in size for the projected use, and meet the criteria of the local health department.
R 400.8360 Garbage and refuse.
   Rule 360. (1) All garbage must be removed from the center daily.
   (2) Garbage containers must be washed when soiled.
   (3) Garbage stored outside must be in sealed plastic bags in watertight containers with tight-fitting
       covers or in a covered dumpster.
   (4) Outside garbage and refuse must be picked up or removed at a minimum of once a week.

R 400.8365 Heating; temperature.
   Rule 365. (1) The temperature in child use areas must be maintained at a safe and comfortable level
       so that children in care do not become overheated or chilled.
   (2) The indoor temperature must be at least 65 degrees Fahrenheit in child use areas at a point 2 feet
       above the floor.
   (3) If temperatures exceed 82 degrees Fahrenheit, then a center shall take measures to cool the
       children.

R 400.8370 Light, ventilation, and screening.
   Rule 370. (1) The total ventilation area in every habitable room, as provided by openable windows,
       must be not less than 4½% of the floor area, unless central air conditioning is provided.
   (2) If ventilation is dependent on a mechanical system, then the system must be on at all times while
       the building is occupied and shall comply with the ventilation requirements of the applicable mechanical
       code of the authority having jurisdiction.
   (3) Windows and doors used for ventilation must be supplied with screening of not less than 16 mesh,
       which must be kept in good repair. This subrule does not apply to child care programs operating in
       school buildings.

R 400.8375 Premises.
   Rule 375. (1) The center shall be located on land that provides good natural drainage or that is
       properly drained.
   (2) Stairs, walkways, ramps, landings, and porches must meet all of the following requirements:
       (a) If elevated, have barriers to prevent falls and handrails designed and constructed for use by
           children.
       (b) Be maintained in a safe condition relative to the accumulation of water, ice, or snow and have
           nonslip surfacing.
       (c) Landings must be located outside exit doors where steps or stairs are necessary and be at least as
           wide as the swing of the door.
       (d) Stairway steps must be not more than 8 inches in height, with a minimum tread depth of 9 inches.
       (e) If ramps are used, then they must have a minimum rise-to-run ratio of 1-to-12.

R 400.8380 Maintenance of premises.
   Rule 380. (1) The premises must be maintained in a clean and safe condition and must not pose a
       threat to health or safety.
   (2) The premises must be maintained so as to eliminate and prevent rodent and insect harborage.
   (3) Roofs, exterior walls, doors, skylights, and windows must be weathertight and watertight and kept
       in sound condition and good repair.
(4) Floors, interior walls, and ceilings must be kept in sound condition, good repair, and maintained in a clean condition.
(5) There must be no flaking or deteriorating paint on interior and exterior surfaces or on equipment accessible to children.
(6) All toilet room floor surfaces must be easily cleanable and constructed and maintained so as to be impervious to water.
(7) Light fixtures, vent covers, wall-mounted fans, and similar equipment attached to walls and ceilings must be easily cleanable and maintained in good repair.
(8) A lead hazard risk assessment must be completed by a certified lead risk assessor on all centers built before 1978. Any lead hazards identified must be addressed as noted in the lead hazard risk assessment report before issuance of the original license. The results of the assessment must be kept on file at the center. Centers that operate in a school building serving only school-age children are exempt from the requirements in this rule.
(9) A center shall adopt and implement an integrated pest management policy as required by section 8316 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.8316.

R 400.8385 Poisonous or toxic materials.
Rule 385. Containers of poisonous or toxic materials must be clearly labeled for easy identification of contents and stored out of reach of children.

PART 3. FIRE SAFETY

R 400.8501 National Fire Protection Association standards; adoption by reference.
Rule 501. The following National Fire Protection Association (NFPA) standards, as displayed in Table 5, are adopted by reference in these rules. Copies of the adopted standards are available for inspection and may be purchased at the NFPA website www.nfpa.org, or from the National Fire Protection Association, 1 Batterymarch Park, P.O. Box 9109, Quincy, Massachusetts 02269-9101. The cost of single copies of each standard at the time of the adoption of these rules is indicated after the title. They are also available for inspection at the Michigan Department of Licensing and Regulatory Affairs, Bureau of Community and Health Systems, Child Care Division, 611 West Ottawa Street, Lansing, MI 48933.

<table>
<thead>
<tr>
<th>Standard</th>
<th>Title</th>
<th>Edition</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>NFPA-10</td>
<td>Standard for Portable Fire Extinguishers</td>
<td>2018</td>
<td>$54.00</td>
</tr>
<tr>
<td>NFPA-13</td>
<td>Standard for the Installation of Sprinkler Systems</td>
<td>2019</td>
<td>$110.00</td>
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<tr>
<td>NFPA-25</td>
<td>Standard for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems</td>
<td>2017</td>
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<td>NFPA-72</td>
<td>National Fire Alarm Code and Signaling Code</td>
<td>2019</td>
<td>$102.50</td>
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<tr>
<td>NFPA-80</td>
<td>Standard for Fire Doors and Other Opening Protectives</td>
<td>2019</td>
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<td>NFPA-251</td>
<td>Standard Methods of Fire Resistance of Building Construction and Materials</td>
<td>2006</td>
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<tr>
<td>NFPA-265</td>
<td>Standard Methods of Fire Tests for Evaluation Room Fire</td>
<td>2019</td>
<td>$50.50</td>
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</table>
Growth Contribution of Textile Coverings on Full Height Panels and Walls

| NFPA-701 | Standard Methods of Fire Tests for Flame Propagation of Textiles and Films | 2015 | $42.00 |

R 400.8505 Definitions.

Rule 505. As used in this part:

(a) “Basement” means a story of a building or structure having ½ or more of its clear height below average grade for at least 50% of the perimeter.
(b) “Combustible” means materials will ignite and burn when subjected to a fire or excessive heat.
(c) “Conversion” means to alter the use of an existing building or room to a center.
(d) “Existing building” means a structure or part of a structure not currently used as a center.
(e) “Existing licensed center” means a center that was licensed December 7, 2006 and whose license continues uninterrupted.
(f) “Exit” means a way of departure from the interior of a building or structure to the open air outside at ground level.
(g) “Fire alarm” means a device used to alert the occupants of the building of fire or smoke conditions. The device shall be audible in all parts of the building used as a center.
(h) “Fire alarm system” means an approved electrical closed circuit, self-supervised local system for sounding an alarm. The system is comprised of a central panel, manual pull stations near all outside exits, audible electric signal devices, and, where warranted, a remote trouble annunciator. All system components shall be listed by a nationally recognized testing laboratory and installed in accordance with NFPA-72.
(i) “Fire door assembly” means a side-hinged, labeled fire door and labeled frame constructed and installed in compliance with NFPA-80.
(j) “Fire-resistance rating” means the time for an element in a building to maintain its particular fire resistance properties in accordance with NFPA-251.
(k) “Fire-resistive construction” means a building having walls, ceilings, floors, partitions, and roof of non-combustible materials having a minimum fire-resistance rating of 1 hour. This subdivision does not prohibit finished wood floors, doors, and windows with assorted frames and trim.
(l) “Flameproof materials” means materials that will not propagate flame under the test conditions of NFPA-701. Flameproof materials are usually combustible materials with the addition of some treatment or coating to modify their burning properties.
(m) “Flammable” means materials capable of being readily ignitable from common sources of heat or at a temperature of 600 degrees Fahrenheit, 316 degrees Celsius, or less.
(n) “Hazard area” means those parts of a center building housing a commercial kitchen, heating plant, fire-fueled water heater, incinerator, or an area posing a higher degree of hazard than the general occupancy of the building.
(o) “Heating plant room” means a room or area housing fuel-fired equipment.
(p) “Interior finish” means the exposed interior surface materials of walls, fixed or movable partitions, and ceilings. This includes drywall, masonry, or wood substructure and surfacing materials such as paneling, tile, or other interior finish material and any surfacing materials, such as paint or wallpaper, applied thereto. Interior finish includes materials affixed to the building structure as distinguished from decorations or furnishings.
(q) “Means of egress” means a minimum of 36 inch wide continuous and unobstructed path of exit travel from any point in a building to the outside at grade.
(r) “New construction” means a created structure, addition, replacement, or alteration of structural components, such as walls.

(s) “Noncombustible” means materials that will not ignite and burn when subjected to fire.

(t) “Protected ordinary construction” means all of the following types of construction:

(i) Roofs and floors and their supports having a minimum of 1-hour fire-resistance rating.

(ii) Exterior bearing walls or bearing portions of exterior walls are of noncombustible or limited combustible materials and have a minimum of 1-hour fire-resistance rating and stability under fire conditions.

(iii) Nonbearing exterior walls are of noncombustible or limited combustible materials.

(iv) Roofs, floors, and interior framing are wholly or partly made of wood of smaller dimension than required for heavy timber construction.

(u) “Standard partition construction” means a substantial smoke-tight assembly consisting of walls, in conjunction with ceilings at which they terminate, that are covered on both sides with minimum standard lath and plaster or ½-inch drywall over 2”x 4” studs. Doorways in these walls are protected with minimum 1⅜-inch flush solid core wood doors or 20-minute labeled fire-rated doors and equipped with approved self-closing devices and positive latching hardware. One or more glass panes are permitted in these walls and doors if each individual glass panel is fixed pane and not larger than 1,296 square inches of ¼-inch wired glass with no linear dimension longer than 54 inches, or fire-rated safety glass, of any size, listed with a minimum fire rating of 45 minutes and installed as listed. In some cases, drywall or plaster is also necessary to protect the underside of stairs.

(v) “Textile material” means having a napped, tufted, looped, woven, non-woven, or similar surface.

(w) “Wired glass” means glass not less than ¼-inch thick, reinforced with wire mesh, number 24 gauge or heavier, with spacing not greater than 1 square inch.

(x) “Wood frame construction” means that type of construction in which exterior walls, bearing walls and partitions, and floor and roof constructions and their supports are made of wood or other combustible material.

R 400.8510 Plans and specifications; submission; approval; inspections.

Rule 5010. (1) A complete set of plans and specifications of any proposed center or proposed addition, alteration, or remodeling to an existing center shall be submitted to the department for review and approval. If the total cost of the project is $15,000.00 or more, including labor and materials, the plans shall bear the seal of a registered architect or engineer.

(2) Written approval shall be obtained from the department before initiating any construction.

(3) A fire safety inspection shall be conducted by the bureau of fire services or a department-approved qualified fire inspector, and an approval granted, before issuance of the original license and every 4 years thereafter, at the time of renewal.

(4) If a boiler is used, then it shall be inspected, and a certificate provided, as required by the boiler division, department of licensing and regulatory affairs.

(5) Fuel-fired furnaces shall be inspected by a licensed mechanical contractor before issuance of an original license and every 2 years at renewal.

(6) Fuel-fired water heaters shall be inspected by a licensed mechanical contractor or a licensed plumbing contractor before issuance of an original license and every 2 years at renewal.

(7) New furnace and water heater installations shall be inspected and approved by the local mechanical inspecting authority at the time of installation.

R 400.8515 Construction.
Rule 515.  (1) If child occupancy is limited to the first or main floor, then the building may be of wood frame construction.
   (2) If child occupancy is on the second floor, then all of the following are required:
   (a) The building shall be of protected ordinary construction.
   (b) All required stairways and vertical openings shall be enclosed by walls, in conjunction with openings therein, and ceilings at which they terminate that meet the requirements of standard partition construction to provide a protected means of egress to the outside with proper termination to grade.
   (c) All door openings contained in subdivision (b) of this subrule shall meet all of the following requirements:
      (i) Be protected with 1¾-inch flush solid core wood doors or 20-minute labeled fire-rated doors.
      (ii) Be installed in fully stopped smoke-tight, substantial frames.
      (iii) Be equipped with approved self-closing devices and non-locking-against-egress positive latching hardware.
   (3) If child occupancy is above the second floor, then both of the following are required:
    (a) The building shall be of 1-hour fire-resistive construction.
    (b) All required stairways and other vertical openings shall be enclosed by a minimum 1-hour fire-resistive construction to provide a protected means of egress to the outside with proper termination to grade.
   (4) If any portion of a basement is used for more than 30 children, then 1 of the following provisions is required:
    (a) Two enclosed stairways of 1-hour fire-resistant construction shall discharge directly to the outside with proper termination to grade, and all openings in the stairways shall be protected by a minimum of 45-minute rated fire doors and frame assemblies. “B” labeled fire doors are acceptable.
    (b) One approved exit from the occupied room or use area shall discharge directly to the outside with proper termination to grade. Travel distance from any point in this room or area to this exit shall be less than 50 feet.
    (c) Two exits comprised of any combination of subdivisions (a) and (b) of this subrule.
   (5) If basement occupancy is limited to not more than 30 children, then all of the following apply:
    (a) One of the exits required by subrule (4) of this rule shall discharge directly to the outside with proper termination to grade, or through a 1-hour fire-resistive enclosure.
    (b) The second exit may terminate at the first floor level with an approved floor separation; meeting the requirements of standard partition construction between the basement and the first floor.
    (c) For new construction and conversions, the separation shall be located at the first floor with travel distance from the door to an approved exit not to exceed 100 feet.
   (6) All vertical openings and stairways that are not required shall be constructed and arranged with effective fire and smoke separation under the requirements of standard partition construction. All door openings shall be as follows:
    (a) Protected with 1¾-inch flush solid core wood doors or 20-minute labeled fire-rated doors.
    (b) Installed in fully stopped smoke-tight substantial frames.
    (c) Equipped with approved self-closing devices and non-locking-against-egress positive latching hardware.

R 400.8520 Interior finishes.
Rule 520.  (1) The classifications of interior finishes for flame spread and smoke development, as displayed in Table 6, shall be used as follows:
TABLE 6
FLAME SPREAD AND SMOKE DEVELOPMENT FOR INTERIOR FINISHES

<table>
<thead>
<tr>
<th>Class</th>
<th>Flame Spread</th>
<th>Smoke Developed</th>
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<tbody>
<tr>
<td>A or I</td>
<td>0-25</td>
<td>0-450</td>
</tr>
<tr>
<td>B or II</td>
<td>26-75</td>
<td>0-450</td>
</tr>
<tr>
<td>C or III</td>
<td>76-200</td>
<td>0-450</td>
</tr>
</tbody>
</table>

(2) Basic materials in a means of egress and basement use occupancies shall be class A or I or B or II.
(3) Basic materials in all other areas shall be class C or III.
(4) Interior finish material more hazardous than class C or III is prohibited in child use areas.
(5) If an approved automatic sprinkler system is installed and maintained in accordance with NFPA-13 and NFPA-25, then class C or III interior wall and ceiling finish materials are permitted in any location where class B or II is required and class B or II interior wall and ceiling finish materials are permitted in any location where class A or I is required.
(6) In an existing licensed center or conversion, existing interior finishes that do not comply with the classifications in subrule (1) of this rule may have their surfaces protected with an approved fire-retardant coating to meet the classifications for interior finishes. The coatings shall be applied to interior finishes that are attached to or furred out not more than 1 inch from a noncombustible backing and applied according to manufacturer’s recommendations. Documentation shall be provided as required by the department.
(7) Interior finish materials of classes B or II and C or III that are less than 1/4 inch in thickness shall be applied directly against a noncombustible backing or be furred out not more than 1 inch unless, the tests under which such material has been classed were made without a backer.
(8) Centers licensed before December 7, 2006 may retain previously approved fire retardant coated interior finishes.
(9) Textile materials having a class A or I rating and used as an interior finish are permitted as follows:
   (a) On walls or ceilings of rooms or areas protected by an automatic sprinkler system approved by the department.
   (b) On room partitions that are less than ¾ of the floor-to-ceiling height not to exceed 8 feet in height.
   (c) To extend up to 4 feet above the finished floor on ceiling-height walls and ceiling-height partitions.
   (d) Textile materials are permitted on walls and partitions where tested in accordance with and meeting the standards of NFPA-265. If compliance is achieved by application of a flame-proofing product in accordance with NFPA-701, documentation shall be provided as required by the department.
(10) Drapery material may be used for stage curtains, room dividers, and similar uses if the material has been tested and approved in accordance with NFPA-701.
(11) Drapery material applied to surfaces of a facility as an interior finish shall meet the requirements of subrule (9) of this rule.
(12) All vinyl and wooden wall dividers shall meet the interior finish requirements of subrules (1), (2), and (3) of this rule, as applicable.
(13) Bulletin boards shall meet the interior finish requirements of subrules (2) and (3) of this rule.
(14) Combustible materials and decorations may be displayed on walls, not to exceed 20% of each wall in each room. Combustible materials and decorations suspended from or near the ceiling are prohibited.
R 400.8525 Exits.

Rule 525. (1) Except as referenced in R 400.8515(4)(b) and subdivision (c) of this subrule each occupied floor shall have not less than 2 approved exits directly to the outside with proper termination to grade, remote from each other by 50% of the longest dimension of the floor or area served, and occupied rooms within the center shall be located between means of egress, unless a first floor, self-contained, occupied room has an approved exit direct to the outside with proper termination to grade with a maximum travel distance of 50 feet from the most remote point in the room to the exit.

(2) Travel distance to an exit shall be as follows:
   (a) For infants and toddlers, travel shall be 50 feet or less from the door of the occupied room to the exit.
   (b) For preschoolers and school-agers, travel shall be 100 feet or less from the door of the occupied room to the exit.
   (c) Buildings having complete automatic sprinkler protection may increase their travel distances by 50 feet.
   (d) Those areas approved before July 1, 2000 are exempt from the requirements of this rule.

(3) For all centers initially licensed after December 6, 2006, programs with infants and toddlers shall have exits with proper termination and within 30 inches of grade or exits properly ramped to grade.

(4) Exit doors and all doors in the means of egress shall be side-hinged and equipped with knob, lever-type, non-locking-against-egress, or panic-type hardware.

(5) Exit doors and doors in rooms occupied by 21 or more children shall swing in the direction of egress.

(6) Means of egress shall be maintained in an unobstructed, easily traveled condition at all times that the center is in operation. Means of egress shall not be exposed to inherent hazards of the building, including the heating plant, flammable storage, commercial kitchen, or other similar conditions.

(7) In new construction, additions, remodeling, and conversions, there shall be a floor or landing on each side of an exit door. The floor or landing shall be at the same elevation on each side of the door, except for variations in elevation due to differences in finish materials, which shall not exceed ½ inch.

(8) In conversions, landings shall have a width not less than the width of the stairway or the width of the door, whichever is greater. Landings shall have a length not less than the width of the door.

(9) In new construction, additions, and remodeling, landings shall comply with the latch-side clearance requirements of sections 404.2.3 to 404.2.3.5 of the International Code Council/American National Standards Institute (ICC/ANSI) standard A117.1, Accessible and Usable Buildings and Facilities which is adopted by reference in this International Code Council at www.iccsafe.org or 1-800-786-4452 at a cost of $47.50. They are also available for inspection at the Michigan Department of Licensing and Regulatory Affairs, Bureau of Community and Health Systems, Child Care Division, 611 West Ottawa Street, Lansing, MI 48933.

(10) For new construction, additions and remodeling, an exit door shall be not less than 36 inches wide. Doors to multiple-use bathrooms shall not be less than 32 inches wide.

(11) For the conversion of an existing building, exterior exit doors shall be not less than 36 inches wide. Other use room doors shall be not less than 28 inches wide. Single-use toilet room doors shall not be less than 24 inches wide. Any remodeled door openings, other than the door swing, shall comply with subrule (10) of this rule.

(12) Centers licensed before December 7, 2006 may retain previously approved door widths.

(13) Exterior exits shall be marked or denoted by an approved exit sign. All exit signs shall be distinctive in color and provide contrast with decorations, interior finish, or other signs. Each exit sign shall have the word “EXIT” in plain, legible letters not less than 6 inches high, on a background of contrasting color, with strokes not less than ¾-inch wide. The word “EXIT” shall have letters that are not less than 2 inches wide, except the letter “I”.

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(14) Exit signs shall be internally or externally illuminated at all times. To ensure continued illumination for a duration of not less than 90 minutes, in case of primary power loss, the sign illumination means shall be connected to an emergency power system provided from storage batteries, unit equipment, or an on-site generator.

(15) When nighttime care is provided, the center shall have exits with proper termination and within 30 inches of grade or exits properly ramped to grade.

(16) When nighttime care is provided, exit signs shall be illuminated, and emergency lighting provided at exits.

R 400.8530 Hazard Areas.

Rule 530. (1) Hazard areas shall be separated from the parts of the building used as a center in the following manner:

(a) In centers licensed before June 4, 1980, areas used for the storage of combustibles and other hazard areas will continue to be approved if they are enclosed with a minimum ¾-hour fire resistive construction and doorways to the areas are protected with a minimum 1¾-inch flush solid core wood or 20-minute labeled fire-rated doors equipped with approved self-closing devices and positive latching hardware.

(b) In centers licensed between June 4, 1980 and July 1, 2000, areas used for the storage of combustibles and other hazards will continue to be approved if they are enclosed by 1 of the following:

(i) Where the area used for the storage of combustibles exceeds 100 square feet, by construction having a minimum 1-hour fire resistance rating, openings in the separation shall be protected with a minimum of 45-minute rated fire door and frame assembly, including an approved self-closing device and positive latching hardware. “B” labeled doors are acceptable.

(ii) Where the area used for the storage of combustibles does not exceed 100 square feet, by construction having a minimum ¾-hour fire resistance rating, all door openings shall be protected by minimum 1¾-inch flush solid core wood doors or 20-minute labeled fire-rated doors hung in substantial frames and equipped with approved self-closing devices and positive latching hardware.

(c) In centers licensed after July 1, 2000, areas used for the storage of combustibles and other hazards will continue to be approved if they are enclosed by 1 of the following:

(i) Where the area used for the storage of combustibles exceeds 100 square feet, by construction having a minimum 1-hour fire resistance rating, openings in the separation shall be protected with a minimum of 45 minute-rated fire door and frame assembly, including an approved self-closing device and positive latching hardware. “B” labeled doors are acceptable.

(ii) Where the area used for the storage of combustibles does not exceed 100 square feet, by construction having a minimum 1-hour fire resistance rating. All door openings shall be protected by minimum 1¾ inch flush solid core wood doors or 20-minute labeled fire-rated doors in substantial frames and equipped with approved self-closing devices and positive latching hardware.

(2) Where a kitchen with commercial cooking equipment exposes a required means of egress or child use area, it shall be separated from the remainder of the building with minimum 1-hour fire resistive construction, including a minimum of 45-minute rated fire door and frame assemblies in all common openings. Kitchens having commercial cooking equipment protected by an approved automatic kitchen hood suppression system are exempt from this requirement. “B” labeled doors are acceptable.

(3) The use of an incinerator is prohibited.

(4) Heating shall be by a central heating plant or an approved permanently installed electrical heating system. If heating is provided by a central heating plant and located on the same floor that is used for child occupancy, it shall be installed in an enclosure providing not less than a 1-hour fire-resistive separation, including a minimum of 45-minute rated fire door and frame assembly equipped with an approved self-closing device and positive latching hardware in any interior door opening. Door
openings for heat plant enclosures not located on the same floor that is used for child occupancy may have 1¾-inch flush solid wood core doors or 20-minute labeled fire-rated doors having positive latching hardware and an approved self-closing device. Air for proper combustion, a minimum of 1 square inch per 4,000 BTUs input, shall be provided directly from the outside through a permanently opened louver or metal duct. “B” labeled doors are acceptable.

(5) In centers licensed before December 7, 2006, a properly installed heating plant located in a basement that is not used for child occupancy does not require additional protection where there is a qualified fire separation and with at least a 1¾-inch flush solid core wood doors or 20-minute labeled fire-rated doors hung in a substantial frame and equipped with an approved self-closing device and positive latching hardware in all stairway openings.

(6) Any fuel-fired water heater or other similar equipment shall be located according to subrule (4) or (5) of this rule, as applicable.

(7) Where electric heating is used, it shall be Underwriters’ Laboratories, Inc. (UL) listed, permanent, fixed-type electrical heating such as recognized panel or baseboard fixed-type. Electric heating that complies with this requirement may be installed in any location.

(8) Auxiliary heating units, such as portable combustion or electrical types, are prohibited.

(9) The center shall not store flammable materials, including fuels, pressurized cans, cleaning fluids and supplies, polishes, and matches, in heat plant enclosures. These items may be stored outside of child use areas in metal cabinets or storage facilities accessible only to authorized personnel.

(10) The center shall not store combustible materials within the central heating plant or fuel-fired water heater rooms or in basements containing fuel-fired heating equipment, without a proper fire separation.

(11) The center shall not permit flammable gases, gasoline, or gasoline-powered equipment in the part of a building that is used as a center or in other parts of the building from which there is a door, window, or other opening into the center, unless that part of the building is separated from the remainder of the building by minimum 2-hour fire resistive construction.

(12) If commercial-type laundry equipment is installed, then the equipment shall be enclosed to provide a 1-hour resistance to fire, including a minimum of 45-minute rated fire door and frame assembly in an interior door opening that would expose the center. “B” labeled doors are acceptable.

(13) Dryer vents shall be metal and vented completely to the exterior.

(14) The department does not require fire dampers in ¾-hour and 1-hour fire-resistive enclosures.

(15) All appliances and equipment in the center shall be installed and maintained in accordance with their manufacturer’s specifications.

(16) Centers shall be kept free of all conditions that constitute fire safety hazards.

R 400.8535 Fire alarm.

Rule 535. (1) In any building used as a center, an approved fire alarm, either electrical or manual, shall be installed.

(2) In centers of more than 4 child-occupied rooms, excluding bathrooms, or in centers licensed for more than 60 children, an approved fire alarm system shall be installed and maintained in compliance with NFPA-72.

(3) In new construction, conversions, remodeling, or newly licensed centers, the trouble signal for required fire alarm systems shall be located in an area normally occupied by child care staff members.

R 400.8540 Smoke detectors; carbon monoxide detectors.
Rule 540. (1) All child care centers shall, at a minimum, be equipped with approved single station smoke detectors covering all use areas and their means of egress. These smoke detectors shall be located and spaced according to NFPA-72.

(2) Centers with any fuel-fired heating systems shall have a carbon monoxide detector, listed by a nationally recognized testing laboratory, on all levels approved for child care and in each use area covered by a different furnace zone.

(3) Centers shall properly install and maintain all detectors in operable condition in accordance with manufacturer’s recommendations.

R 400.8560 Multiple occupancy.

Rule 560. (1) Multiple occupancy of a building may qualify for licensure if the entire building does not present a life safety hazard. A center currently licensed in such a building may continue as long as such occupancies do not change in character.

(2) A building, part of which is used for hazardous operations or for occupancy that is unpredictable, such as taverns, garages, repair shops, and industrial operations, are not permitted for center use. However, an exception may be made for a vocational education center approved by the department.

R 400.8565 Fire safety; exemptions for public and nonpublic school buildings.

Rule 565. The rules with respect to fire prevention and fire safety do not apply to a center established and operated by an intermediate school board, the board of a local school district, or by the board or governing body of a state-approved nonpublic school, or by a person or entity with whom a school contracts for services, if the center is located in a school building that is approved by the state fire marshal or other similar authority for school purposes.

PART 4. TRANSPORTATION

R 400.8701. Definitions.

Rule 701. As used in this part:

(a) “Manufacturer’s rated seating capacity” means the number of places or spaces provided by the manufacturer of a vehicle for the driver and passengers to sit while the vehicle is in motion.

(b) “Motor vehicle” means a self-propelled device in which persons are or may be transported upon a highway, built on an automobile or truck chassis specifically designed by the manufacturer to transport passengers, or specially modified to transport handicapped passengers, and that meets the safety equipment requirements of sections 683 to 711 of the Michigan vehicle code, 1949 PA 300, MCL 257.683 to 257.711.

(c) “Multifunction school activity bus” means that term as described in section 7 of the pupil transportation act, 1990 PA 187, MCL 257.1807.

(d) “Safety belt” means an automobile lap belt or lap-shoulder belt combination designed to restrain and protect a passenger or driver of a vehicle from injury.

(e) “School bus” means that term as defined in section 7 of the pupil transportation act, 1990 PA 187, MCL 257.1807.

(f) “School transportation” means transportation provided by a public, non-public, or private school.

(g) “Transportation” means the conveyance of children by means of a motor vehicle to or from a center and to and from all activities planned for children by or through the center.
(h) “Transportation component” means when a center uses center owned vehicles, vehicles of staff or volunteers, or other private or contracted transportation to transport children for any reason. Transportation component does not include either of the following:

(i) Transportation is not a component of the child care program if a child care center uses public transportation or public or private school transportation; however, certain transportation rules still apply.

(ii) If a child care center contracts with, or is established and operated by an intermediate school district, the board of a local school district, or by the board or governing body of a state-approved nonpublic school, then the school is responsible for the health and safety of children during transportation, and transportation is not considered a component of the child care program. If this paragraph applies, a child care center is not required to complete a comprehensive background check on the transportation staff through the Child Care Background Check System.

(i) “Volunteer motor vehicle” means a motor vehicle not owned by, leased by, or registered to the center or principle or employee of the center.

R 400.8720 All motor vehicles.
Rule 720. (1) All motor vehicles must be in safe operating condition.
(2) All motor vehicles, except multifunction school activity buses and school buses inspected by the department of state police as indicated in subrule (3) of this rule, must be inspected annually by a licensed mechanic. A copy of the inspection must be kept on file at the center. Volunteer vehicles are not required to be inspected.
(3) Centers that use multifunction school activity buses and school buses must do all of the following:
(a) Contact the department of state police to determine if an annual inspection by the department of state police is required under section 39 of the pupil transportation act, 1990 PA 187, MCL 257.1839.
(b) If directed by the department of state police, obtain an annual inspection by the department of state police. A copy of the inspection must be kept on file at the center.
(4) A statement verifying that all motor vehicles, including volunteer vehicles, are in compliance with Michigan vehicle code safety equipment requirements, as defined in sections 683 to 711 of the Michigan vehicle code, 1949 PA 300, MCL 257.683 to 257.711, must be kept on file at the center.
(5) The use of passenger vans with a rated seating capacity of 11 or more, including volunteer vehicles, is prohibited.
(6) Multifunction school activity buses used for transporting children between the child care center and school must comply with all minimum safety specifications, except color, identification, and alternating flashing lights, as defined in the pupil transportation act, 1990 PA 187, MCL 257.1801 to 257.1877.
(7) Motor vehicle seats used by children, staff, and volunteers must not face sideways.
(8) A truck must not be used to transport children, except in the cab.
(9) There must be no loose or heavy objects in the passenger compartment of any motor vehicle.

R 400.8730 Safety equipment in motor vehicles.
Rule 730. (1) All motor vehicles used to transport children must carry all the following safety equipment:
(a) Three bidirectional emergency reflective triangles properly cased and securely stored in the motor vehicle.
(b) A first aid kit securely stored in an accessible location in the driver compartment.
(2) Any motor vehicle with a manufacturer’s rated seating capacity of more than 10 occupants used to transport children must carry both of the following additional safety equipment:
(a) Not less than 3 15-minute flares or an approved battery-operated substitute properly cased and securely stored in the driver’s compartment.
(b) Fire extinguisher of dry chemical type rated not less than 2A-10BC mounted in an accessible place in the driver’s compartment. The fire extinguisher must be inspected and maintained in accordance with NFPA-10. The fire extinguisher must bear a tag indicating the last date of inspection or service and the initials of the person who performed the inspection or service.
(3) Volunteer motor vehicles are exempt from subrule (1)(a) of this rule.

R 400.8740 Manufacturer’s rated seating capacity; restraint devices; safety belts.
Rule 740. (1) Each child transported shall be seated according to the manufacturer’s rated seating capacity and properly restrained by a passenger restraint device as required by sections 710d and 710e of 1949 PA 300, MCL 257.710d and 257.710e.
(2) Passenger restraint devices, as required by subrule (1) of this rule, are not required for children transported on a school bus or a multifunction school activity bus.
(3) Each restraint device must be properly anchored to the vehicle seat and used according to the manufacturer’s specifications. Allowing 2 or more children to share a seat belt or restraint device is prohibited.
(4) The driver of a motor vehicle and all adult passengers shall be seated according to the manufacturer’s rated seating capacity and properly restrained by safety belts when the motor vehicle is in motion.
(5) All safety belts and restraint devices used while transporting children and adults must be in good working condition.

R 400.8750 Motor vehicle operator.
Rule 750. (1) The driver of any motor vehicle transporting children shall comply with all of the following:
(a) Be at least 18 years of age.
(b) Possess a valid operator or chauffeur’s license with the appropriate endorsement as required by chapter III of the Michigan vehicle code, 1949 PA 300, MCL 257.301 to 257.329.
(c) Have a personal driving record with not more than 6 active points as determined by the secretary of state.
(d) Have proof of valid automobile insurance and registration.
(e) Be familiar with the contents of the first aid kit.
(f) Be familiar with the operation of the fire extinguisher, if a fire extinguisher is required.
(2) All of the following documents must be kept on file at the center:
(a) A copy of each driver’s driving record, except for drivers of volunteer motor vehicles, obtained from the secretary of state at least once a year.
(b) A self-certifying statement that all volunteer drivers comply with subrule (1) of this rule.
(c) A copy of a valid driver’s license for each driver.
(3) Drivers shall be provided with a copy of the child information card or comparable substitute for each child being transported in their motor vehicles.

R 400.8760 Staff and volunteer-to-child ratio and supervision in transit.
Rule 760. (1) The ratio of staff and volunteers-to-children in transit, including children related to a staff member, volunteer, licensee, or driver, must be based on the following provisions:
(a) For infants and toddlers, there must be 1 staff member or volunteer for 4 children. The driver does not count in the staff and volunteer-to-child ratio.

(b) For preschoolers under 3 years of age, there must be 1 staff member or volunteer for 8 children. The driver does not count in the staff and volunteer-to-child ratio.

(c) For 3-year-olds, there must be 1 staff member or volunteer for 10 children. The driver may be counted in the staff or volunteer-to-child ratio.

(d) For 4-year-olds, there must be 1 staff member or volunteer for 12 children. The driver may be counted in the staff or volunteer-to-child ratio.

(e) For school-agers, there must be 1 staff member or volunteer for 18 children. The driver may count in the staff or volunteer-to-child ratio. This requirement does not apply when school-age children are transported to and from school on school transportation or are using public transportation.

(f) An additional staff member or volunteer is not required if only 1 child under 36 months of age is transported.

(2) To count in the staff member or volunteer-to-child ratios, staff members or volunteers shall be all of the following:

(a) At least 16 years of age.

(b) Seated with the children.

(c) Responsible for the supervision of the children.

(3) When children are entering or leaving the motor vehicle, the following safety precautions must be taken:

(a) The accompanying staff member, volunteer, or driver shall ensure that the children are received by a staff member, parent, or other person as designated by the parent.

(b) Children shall enter and leave the motor vehicle from the curbside unless the vehicle is in a protected parking area or driveway.

(4) Children shall not be left unattended in a motor vehicle.

(5) When children under school-age are entering or leaving the motor vehicle, the children shall be carried or helped into and out of the motor vehicle.

PART 5. SWIMMING

R 400.8801 Definitions.
Rule 801. As used in this part:

(a) “Lifeguard” means a person who meets the following criteria:

(i) Possesses an appropriate and current life guard training and certification by the American Red Cross, YWCA, YMCA, or equivalent in 1 of the following:

(A) Basic lifeguard for pool only.

(B) Full life guarding for pool and all other water activities.

(ii) Is dressed suitably to act in an emergency.

(iii) Is providing constant supervision.

(b) “Public swimming pool” means that term as defined in section 12521 of the public health code, 1978 PA 368, MCL 333.12521.

R 400.8810 Swimming; child care staff member-to-child ratio.
Rule 810. (1) Written parental permission regarding their child’s participation in swimming activities must be kept on file at the center.
(2) A lifeguard shall be on duty at all swimming activities and shall not be included in the child care staff member-to-child ratio.

(3) For children under 3 years of age, there shall be an in-the-water ratio of 1 child care staff member to 1 child.

(4) For all non-swimmers 3 years of age and older, there shall be an in-the-water ratio of 1 child care staff member to 4 children when the water level is at the child’s chest height or lower. When the water level is above the child’s chest height, there shall be an in-the-water ratio of 1 child care staff member to 1 child.

(5) For swimmers 3 years of age and older, there shall be an in-the-water child care staff member-to-child ratio as required by R 400.8182(3).

R 400.8820 Swimming activity supervision.

Rule 820. All child care staff members counted in the child care staff member-to-child ratio shall be both of the following:

(a) Actively engaged in providing direct care, supervision, and guidance.

(b) Physically able to assist children quickly.

R 400.8830 Instructional swim.

Rule 830. (1) Instructional swim must be conducted under the supervision of a qualified water safety instructor (WSI), who is certified by the American Red Cross, in an organization such as the YMCA or YWCA, and where instructional swim is part of the organized program.

(2) The child care staff member-to-child ratio under R 400.8182(3) must be maintained. The instructor shall not be included in the ratio.

R 400.8840 Swimming activity area.

Rule 840. (1) All swimming areas must be maintained in a clean and safe condition.

(2) A public pool used for swimming must be inspected by the local health department and issued a license by the department of environmental quality.

(3) The water at a public or private beach must not be used if deemed unsafe by the local health department.

(4) A working phone must be accessible on the premises.

(5) All of the following safety equipment must be readily accessible:

(a) First aid kit.

(b) Rescue pole or throwing rope and ring buoy.

(c) Signaling device.

(6) The use of hot tubs and private wading pools is prohibited.
These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.


PART 1. GENERAL PROVISIONS

R 338.2521 Definitions.

Rule 21. (1) As used in these rules:
   (a) “Board” means the Michigan board of psychology created under section 18221 of the code, MCL 333.18221.
   (b) “Code” means the public health code, 1978 PA 368, MCL 333.1101 to 333.25211.
   (c) “Department” means the department of licensing and regulatory affairs.
   (d) “Extreme hardship” means economic, geographic, health, or other individual circumstances that impose an extraordinary level of hardship.
   (e) “Organized health care setting” means a clinic, hospital, institution, organization, organized governmental entity, nonprofit organization, or private agency engaged in the delivery of health care services that provides an opportunity for professional interaction and collaboration with other disciplines, an opportunity to utilize a variety of theories, and an opportunity to work with a broad range of populations and techniques.
   (2) A term defined in the code has the same meaning when used in these rules.

R 338.2523 English language requirement.

Rule 23. An applicant for a psychologist license or psychologist limited license whose educational program was taught in a language other than English shall satisfy the requirements of the code and these
rules and shall demonstrate a working knowledge of the English language. To demonstrate a working knowledge of the English language, the applicant shall establish that he or she has obtained a total score of not less than 80 on the test of English as a foreign language internet-based test (TOEFL-IBT) administered by the Educational Testing Service.

R 338.2525 Training standards for identifying victims of human trafficking; requirements.

Rule 25. (1) Pursuant to section 16148 of the code, MCL 333.16148, an individual seeking licensure or licensed shall complete training in identifying victims of human trafficking that meets the following standards:
   (a) Training content must cover all of the following:
      (i) Understanding the types and venues of human trafficking in the United States.
      (ii) Identifying victims of human trafficking in health care settings.
      (iii) Identifying the warning signs of human trafficking in health care settings for adults and minors.
      (iv) Resources for reporting the suspected victims of human trafficking.
   (b) Acceptable providers or methods of training include any of the following:
      (i) Training offered by a nationally recognized or state-recognized, health-related organization.
      (ii) Training offered by, or in conjunction with, a state or federal agency.
      (iii) Training obtained in an educational program that has been approved by the board for initial licensure, or by a college or university.
      (iv) Reading an article related to the identification of victims of human trafficking that meets the requirements of subdivision (a) of this subrule and is published in a peer review journal, health care journal, or professional or scientific journal.
   (c) Acceptable modalities of training include any of the following:
      (i) Teleconference or webinar.
      (ii) Online presentation.
      (iii) Live presentation.
      (iv) Printed or electronic media.

   (2) The department may select and audit a sample of individuals and request documentation of proof of completion of training. If audited by the department, an individual shall provide an acceptable proof of completion of training, including either of the following:
      (a) Proof of completion certificate issued by the training provider that includes the date, provider name, name of training, and individual’s name.
      (b) A self-certification statement by an individual. The certification statement must include the individual’s name and either of the following:
         (i) For training completed pursuant to subrule (1)(b)(i) to (iii) of this rule, the date, training provider name, and name of training.
         (ii) For training completed pursuant to subrule (1)(b)(iv) of this rule, the title of article, author, publication name of peer review journal, health care journal, or professional or scientific journal, and date, volume, and issue of publication, as applicable.
   (3) Pursuant to section 16148 of the code, MCL 333.16148, the requirements specified in subrule (1) of this rule apply for license renewals beginning with the 2017 renewal cycle after the promulgation of this rule and for initial licenses issued after March 30, 2022.

R 338.2527 Rescinded.
R 338.2529  Accreditation; standards; adoption by reference.

Rule 29.  (1)  A higher education institution is considered approved by the board if it is accredited by the accrediting body of the region in which the institution is located and the accrediting body satisfies either the recognition standards and criteria of the Council for Higher Education Accreditation (CHEA) or the recognition procedures and criteria of the United States Department of Education.

(2) The procedures and criteria for recognizing accrediting agencies of the United States Department of Education, effective July 1, 2010, as contained in 34 CFR part 602 and the policies and procedures for recognition of accrediting organizations of CHEA, effective June 28, 2010, are adopted by reference in these rules. The CHEA recognition standards may be obtained at no cost from the council’s website at http://www.chea.org. The federal recognition criteria may also be obtained at no cost from the website for the United States Department of Education, Office of Postsecondary Education at http://www.ed.gov/about/offices/list/OPE/index.html.

(3) The board has determined that a provincially or territorially chartered Canadian university that is acceptable to the Canadian Psychological Association for the purpose of accrediting a doctoral educational program is substantially equivalent to an accredited educational institution that satisfies the standards adopted in subrule (2) of this rule. Any provincially or territorially chartered Canadian university that satisfies these requirements satisfies the qualifications for an approved educational program.

(4) Copies of the standards and criteria adopted by reference in subrules (1) and (2) of this rule are available for inspection and distribution at cost from the Board of Psychology, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa Street, P.O. Box 30670, Lansing, MI 48909.

PART 2. PSYCHOLOGISTS

R 338.2541  Program accreditation standards; psychologists; adoption of standards by reference; approved programs.

Rule 41.  (1) The following criteria and standards for doctoral level psychology programs are adopted by reference in these rules:

(a) The designation criteria of the National Register of Health Service Psychologists and the Association of State and Provincial Psychology Boards (ASPPB) set forth in the publication entitled "Guidelines for Defining a Doctoral Degree in Psychology," which is available at no cost from the national register's website at www.nationalregister.org, or from the association's website at www.asppb.org.


(c) The accreditation standards of the Canadian Psychological Association (CPA) as set forth in the publication entitled "Accreditation Standards and Procedures for Doctoral Programmes and Internships in Professional Psychology", Fifth revision, 2011, which is available at no cost from the association's website at http://www.cpa.ca/education/accreditation/.

(d) The accreditation standards of the Psychological Clinical Science Accreditation System (PCSAS) as set forth in the publication entitled “Psychological Clinical Science Accreditation System Purpose, Organization, Policies, and Procedures,” November, 2017, which is available at no cost from the association’s website at http://www.pcsas.org/about/publications-and-links/.
A doctoral program in psychology, or a closely related field, that has obtained the National Register’s and ASPPB’s designation or that is accredited by either the APA, the CPA, or the PCSAS is approved by the board.

Copies of the standards and criteria adopted by reference in subrule (1) of this rule are available for inspection and distribution at cost from the Board of Psychology, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa Street, P.O. Box 30670, Lansing, MI 48909.

Under section 18223(1)(a) of the code, MCL 333.18223(1)(a), a doctoral program that is in the process of obtaining the National Register’s and ASPPB’s designation or becoming accredited by either the APA, the CPA, or the PCSAS before August 1, 2011, and obtains the designation or accreditation on or before August 31, 2020, is approved by the board.

R 338.2543 Application for licensure; psychologist; requirements.

Rule 43. Except as provided in R 338.2549, an applicant for a psychologist license under section 18223(1) of the code, MCL 333.18223(1), shall submit the required fee and a completed application on a form provided by the department. In addition to satisfying the requirements of the code, an applicant shall satisfy all of the following requirements:

(a) Education: The applicant shall possess either a doctoral degree in psychology or a doctoral degree in a closely related field. Either degree must satisfy both of the following requirements:

(i) The degree must be from a regionally accredited college, university, or institution that satisfies the standards in R 338.2529(2).

(ii) The degree must be from a designated or accredited educational program that satisfies the standards in R 338.2541(1)(a), (b), (c), or (d).

(b) Training: The applicant shall have successfully completed an internship that was an integrated part of a doctoral degree that satisfies the requirements in subdivision (a)(i) and (a)(ii) of this rule, or an equivalent postdoctoral internship as determined by the board. A request to the board for approval of a postdoctoral internship must include, at a minimum, the following information:

(i) An explanation of the reason the internship was not an integrated part of a doctoral degree.

(ii) How the postdoctoral internship follows standards similar to those required by the Association of Psychology Postdoctoral and Internship Centers (APPIC).

(c) Experience: The applicant shall have acquired 1 year of postdoctoral degree experience in the practice of psychology that satisfies the requirements of R 338.2553(3).

(d) Licensure examination: The applicant shall have passed the licensure examination for psychologists approved by the board under R 338.2545(1).

R 338.2545 Examination; psychologist; passing scores.

Rule 45. (1) An applicant for a psychologist license shall pass the examination for professional practice in psychology that was developed by ASPPB. The passing score for the examination is the score recommended by the ASPPB for psychologists in independent practice.

(2) A limited licensed psychologist who took the examination required in subrule (1) of this rule and achieved a passing score at or above the score required for licensure as a psychologist satisfies the examination requirement in R 338.2543(d).

R 338.2547 Psychologist examination; eligibility.
Rule 47. Except as provided in R 338.2549, to establish eligibility for the psychologist licensure examination, an applicant shall satisfy both of the following requirements:

(a) Submit the required fee and a completed application on a form provided by the department.

(b) Have documentation provided directly to the department from an accredited educational institution verifying the applicant satisfies the educational requirements in R 338.2543(a).

R 338.2549 Foreign graduate of non-accredited postsecondary institution; psychologist examination; eligibility.

Rule 49. To establish eligibility for the psychologist licensure examination, an applicant who graduated from a foreign, non-accredited postsecondary institution shall satisfy all of the following requirements:

(a) Submit the required fee and a completed application on a form provided by the department.

(b) Possess either a doctoral degree in psychology or a doctoral degree in a closely related field from an educational program that is substantially equivalent to an accredited educational program that satisfies the standards in R 338.2541(1)(a), (b), (c), or (d). In addition, the degree must be from an educational institution that is substantially equivalent to an accredited educational institution that satisfies the standards in R 338.2529(2). Evidence of satisfying these requirements must include an evaluation of the applicant's non-accredited education by a credential evaluation agency that is a member of the National Association of Credential Evaluation Services (NACES).

(c) Demonstrate a working knowledge of the English language if the applicant's educational program was taught in a language other than English. To demonstrate a working knowledge of the English language, the applicant shall establish that he or she satisfies the requirements in R 338.2523.

R 338.2551 Licensure by endorsement.

Rule 51. (1) An applicant for a psychologist license by endorsement shall submit the required fee and a completed application on a form provided by the department. An applicant who satisfies the requirements of the code and this rule is presumed to satisfy the requirements of section 16186 of the code, MCL 333.16186.

(2) An applicant for a psychologist license by endorsement shall satisfy both of the following requirements:

(a) Have been first licensed in another state to engage in the independent practice of psychology for a minimum of 10 years before the date of filing the application for a Michigan license.

(b) Hold a current license in the independent practice of psychology issued by the licensing agency of any state.

(3) An applicant’s license must be verified by the licensing agency of any state in which the applicant holds a current license or ever held a license as a psychologist. Verification includes, but is not limited to, showing proof that the applicant’s license is in good standing and, if applicable, any disciplinary action taken or pending against the applicant.

R 338.2553 Application for educational limited license; postdoctoral experience; requirements; supervision.

Rule 53. (1) An individual shall obtain an educational limited license before engaging in the postdoctoral experience required under section 18223(1)(b) of the code, MCL 333.18223(1)(b), and R 338.2543(c).
(2) An applicant for an educational limited license, in addition to satisfying the requirements of the code, shall satisfy both of the following requirements:
   (a) Submit the required fee and a completed application on a form provided by the department.
   (b) Have documentation provided directly to the department from an educational program verifying the applicant satisfies the educational requirements in R 338.2543(a).

(3) The postdoctoral experience must satisfy all of the following requirements:
   (a) The experience must consist of not less than 2,000 clock hours completed under the supervision of a licensed psychologist during a period of not more than 2 consecutive years.
   (b) The supervisee shall meet individually and in person with his or her supervisor weekly for a minimum of 4 hours a month, during which all active work functions and records of the supervisee are reviewed.
   (c) The supervisee shall function as a psychologist using generally accepted applications of psychological knowledge and techniques acquired during the supervisee’s education and training.
   (d) The experience must be acquired in an organized health care setting, as defined in R 338.2521(1)(e).
   (e) In cases of extreme hardship, a supervisee may request an alternative to the supervision arrangement specified in this subrule. The alternative supervision arrangement must not be implemented before the board has approved it. In deciding whether to approve the proposed alternative supervision arrangement, the board shall consider the nature of the extreme hardship and the reasonableness of the proposed alternative supervision arrangement. A request to the board for approval of an alternative to the supervision arrangement must include, at a minimum, the following information:
      (i) The amount of clock hours currently completed.
      (ii) The amount of clock hours left to complete.
      (iii) Whether a previous hardship request was made and, if so, the decision on such request.
      (iv) The cause for the hardship.
      (v) Measures taken to remedy the hardship.
      (vi) Whether the hardship still exists.
      (vii) The names and addresses of all fully licensed psychologists the licensee contacted or attempted to contact, including number of times, or attempts, or both.
      (viii) The responses received from the fully licensed psychologists contacted.
      (ix) The qualifications and experience of the proposed alternative supervisor.

(4) An educational limited license must be issued for 1 year and must not be renewed more than 5 times.

R 338.2555 Relicensure; psychologist; educational limited license; requirements.
Rule 55. (1) An applicant whose psychologist license has lapsed for less than 3 years preceding the date of application for relicensure may be relicensed under section 16201(3) of the code, MCL 333.16201(3), if the applicant satisfies all of the following requirements:
   (a) Submits the required fee and a completed application on a form provided by the department.
   (b) Establishes that he or she is of good moral character as defined under 1974 PA 381, MCL 338.41 to 338.47.
   (c) Submits proof to the department of accumulating not less than 30 hours of continuing education that satisfies the requirements of R 338.2581 and R 338.2583 during the 2 years immediately preceding relicensure.

(2) An applicant whose psychologist license has lapsed for 3 years or more preceding the date of application for relicensure may be relicensed under section 16201(4) of the code, MCL 333.16201(4), if the applicant satisfies all of the following requirements:
(a) Submits the required fee and a completed application on a form provided by the department.
(b) Establishes that he or she is of good moral character as defined under section (1) to (7) of 1974 PA 381, MCL 338.41 to 338.47.
(c) Submits fingerprints as required under section 16174(3) of the code, MCL 333.16174(3).
(d) Meets either of the following requirements:
   (i) Passes an examination required under R 338.2545(1).
   (ii) Presents evidence to the department that he or she was licensed as a psychologist at the doctoral level in another state at any time during the 3-year period immediately preceding the application for relicensure.
(3) An applicant whose educational limited license has lapsed may be relicensed under section 16201(3) or (4) of the code, MCL 333.16201(3) or (4), if the applicant satisfies subrule (1)(a) and (b) of this rule.
(4) An applicant shall have his or her license verified by the licensing agency of any state in which the applicant holds or has ever held a license, as a psychologist. If applicable, verification shall include the record of any disciplinary action taken or pending against the applicant.

PART 3. LIMITED LICENSED PSYCHOLOGISTS

R 338.2561  Application for licensure; limited licensed psychologist; requirements.
Rule 61. (1) Except as provided in R 338.2567, an applicant for a limited license under section 18223(2) of the code, MCL 333.18223(2), shall submit the required fee and a completed application on a form provided by the department. In addition to satisfying the requirements of the code, the applicant shall satisfy all of the following requirements:
   (a) Education: The applicant for a limited license shall have earned a master's degree in psychology from an accredited educational institution that satisfies the standards in R 338.2529(2). The degree required under this subdivision must satisfy all of the following requirements:
      (i) The degree must be an integrated, organized sequence of study that includes at least 1 course in assessment, 1 course in treatment, and 1 course in scientific and professional ethics and standards. Effective June 30, 2009, the 1 course in scientific and professional ethics and standards must be at least 3 semester hours or 15 hours of classroom instruction per semester hour. If an applicant graduated prior to June 30, 2009, and his or her master's degree included a graduate course in scientific and professional ethics of at least 1 credit hour, the applicant has complied with this paragraph.
      (ii) Seventy-five percent of the hours of the required course work must be primarily psychological in content. The thesis and practicum are excluded from what is considered course work. The board may require the applicant to provide such material as it deems necessary to demonstrate the psychological content of a course. To be deemed psychological in content, a course must satisfy at least 1 of the following requirements:
         (A) Course work: The subject of the material taught is psychological.
         (B) Psychology department: The course is taught in a psychology department.
   (b) Training: The applicant shall have completed a practicum that satisfies all of the following requirements:
      (i) The practicum must be an integrated part of the master's degree program in any setting approved by the degree granting program. A post-degree practicum may be approved by the board if the practicum is through an accredited institution that satisfies the standards adopted in R 338.2529(2) and was completed for academic graduate credit. A request to the board for approval of a post-degree practicum must include, at a minimum, the following information:
(A) The name and address of the accredited institution offering the proposed practicum.
(B) Why a practicum is being pursued post-degree instead of as an integrated part of the master’s degree program.
(C) The responsibilities the practicum will require.
(D) When the practicum will take place and the hourly time commitment.
(E) How the practicum will be supervised and by whom.
(F) The demographic makeup of the geographic area where the practicum will take place.
(G) Whether others have utilized the practicum provider.

(ii) The practicum must require not less than 500 clock hours of psychological work.
(iii) The applicant shall be supervised by a psychologist who is licensed in this state, eligible for licensure in this state, or licensed or certified at the independent practice level in the state where the practicum takes place.

(iv) The applicant must meet in person with his or her supervisor for a minimum of 2 hours a week during the practicum.
(c) Experience: The applicant shall have acquired 1 year of post-master’s degree experience in the practice of psychology that satisfies the requirements of R 338.2569(4).
(d) Examination: The applicant shall have passed the examination approved by the board under R 338.2563.

(2) An applicant satisfies the requirements of subrule (1) of this rule if he or she was certified as a psychological examiner or eligible for certification as a psychological examiner under former 1959 PA 257 on or before September 30, 1978.

(3) An applicant who satisfies the requirements of R 338.2567 satisfies the requirements of subrule (1)(a) and (b) of this rule.

R 338.2563 Examination; limited licensed psychologist; approval and adoption; passing scores.

Rule 63. The board approves and adopts for applicants for a limited license under section 18223(2) of the code, MCL 333.18223(2), the examination for professional practice in psychology that was developed by the Association of State and Provincial Psychology Boards (ASPPB). The board adopts the passing score on the examination recommended by the ASPPB for supervised practice.

R 338.2565 Limited licensed psychologist examination; eligibility.

Rule 65. Except as provided in R 338.2567, to establish eligibility for the examination required under R 338.2563, an applicant for a limited license under section 18223(2) of the code, MCL 333.18223(2), shall submit the required fee and a completed application on a form provided by the department. In addition, the applicant shall satisfy either of the following requirements:

(a) Have documentation provided directly to the department from an educational institution verifying the applicant satisfies the education and training requirements for a limited license specified in R 338.2561(1)(a) and (b).
(b) Submit acceptable documentation to the department that verifies the applicant satisfies the requirements of R 338.2561(2).

R 338.2567 Foreign graduate of non-accredited postsecondary institution; limited licensed psychologist examination; eligibility.
Rule 67. To establish eligibility for the examination required under R 338.2563, an applicant who graduated from a foreign, non-accredited postsecondary institution shall satisfy both of the following requirements:

(a) Have documentation provided directly to the department from an educational institution verifying the applicant’s possession of a master’s degree that is substantially equivalent to the requirements in R 338.2561(1)(a) and (b). In addition, the applicant’s master’s degree shall be from an educational institution that is substantially equivalent to an accredited educational institution that satisfies the standards in R 338.2529(2). Evidence of satisfying these requirements shall include an evaluation of the applicant's non-accredited education by a credential evaluation agency that is a member of the National Association of Credential Evaluation Services (NACES).

(b) Demonstrate a working knowledge of the English language if the applicant's educational program was taught in a language other than English. To demonstrate a working knowledge of the English language, the applicant shall establish that he or she satisfies the requirements of R 338.2523.

R 338.2569 Application for temporary limited license for post-master's degree experience; requirements; supervision

Rule 69. (1) The board shall grant a temporary limited license to either of the following applicants:

(a) An individual described in section 18223(2) of the code, MCL 333.18223(2), for the purpose of obtaining the 1 year of postgraduate experience described in that section and R 338.2561(1)(c).

(b) An individual who is enrolled in a doctoral degree program that satisfies the requirements of section 18223(1) of the code, MCL 333.18223(1), which includes both of the following requirements:

(i) The program is offered in a regionally accredited college, university, or institution that satisfies the standards in R 338.2529(2).

(ii) The program is a designated or accredited educational program that satisfies the standards in R 338.2541(1)(a), (b), (c), or (d).

(2) An applicant for a temporary limited license, in addition to satisfying the requirements of the code, shall satisfy both of the following requirements:

(a) Submit the required fee and a completed application on a form provided by the department.

(b) Have documentation provided directly to the department from an educational institution verifying the applicant satisfies the following requirements, as applicable:

(i) If applying under subrule (1)(a) of this rule, verification that the applicant’s educational program satisfies the requirements in R 338.2561(1)(a) and (b) or R 338.2567.

(ii) If applying under subrule (1)(b) of this rule, verification that the applicant’s educational program satisfies the requirements in R 338.2529(2) and R 338.2541(1)(a), (b), (c), or (d).

(3) An applicant who is granted a temporary limited license to complete the post-master’s degree experience may take the examination approved by the board under R 338.2563.

(4) The post-master’s degree experience must satisfy all of the following requirements:

(a) The experience must consist of not less than 2,000 clock hours completed under the supervision of a licensed psychologist.

(b) The supervisee shall meet individually and in person with his or her supervisor weekly for a minimum of 4 hours a month, during which all active work functions and records of the supervisee are reviewed.

(c) The supervisee shall function as a psychologist using generally accepted applications of psychological knowledge and techniques acquired during the supervisee’s education and training.

(d) The experience must be acquired in an organized health care setting, as defined in R 338.2521(1)(e).
(e) In cases of extreme hardship, a supervisee may request an alternative to the supervision arrangement specified in this subrule. The alternative supervision arrangement must not be implemented before the board has approved it. In deciding whether to approve the proposed alternative supervision arrangement, the board shall consider the nature of the extreme hardship and the reasonableness of the proposed alternative supervision agreement. A request to the board for approval of an alternative to the supervision arrangement must include, at a minimum, the following information:

(i) The amount of clock hours currently completed.
(ii) The amount of clock hours left to complete.
(iii) Whether a hardship request was made and, if so, the decision on the previous request.
(iv) The cause for the hardship.
(v) Measures taken to remedy the hardship.
(vi) Whether the hardship still exists.
(vii) The names and addresses of all fully licensed psychologists the licensee contacted or attempted to contact, including number of times, or attempts, or both.
(viii) The responses received from the fully licensed psychologists contacted.
(ix) The qualifications and experience of the proposed alternative supervisor.

R 338.2571 Supervision requirements; reporting of supervision.

Rule 71. An individual who is granted a limited license under section 18223(2) of the code, MCL 333.18223(2), and is required to be supervised by a licensed psychologist shall satisfy all of the following requirements:

(a) A licensee who has less than 10 years of experience as a limited licensed psychologist, excluding experience as a temporary limited licensed psychologist, shall meet individually and in person with his or her supervisor for a minimum of 2 hours a month.
(b) A licensee who has 10 or more years of experience as a limited licensed psychologist, excluding experience as a temporary limited licensed psychologist, shall meet individually and in person with his or her supervisor for a minimum of 1 hour a month.
(c) A licensee who seeks a variance from the supervision requirement described in subrule (a) or subrule (b) of this rule, as provided under section 18223(2) of the code, MCL 333.18223(2), shall submit a request for a variance to the board for consideration. Reasons for a possible variance include, but are not limited to: issues regarding physical disability, extended absence from practice, or geographical hardships. A variance must not be implemented without the written permission of the board. A request to the board for approval of an alternative to the supervision arrangement must include, at a minimum, the following information:

(i) The details of the variance, and the reason the variance is being requested.
(ii) The underlying cause of the need for a variance.
(iii) Whether a previous variance request was made and, if so, the previous decision.
(iv) The demographic makeup of the surrounding geographic area.
(v) The number of fully licensed psychologists within a 50-mile radius from home and work.
(vi) The names and addresses of all fully licensed psychologists the licensee contacted or attempted to contact, including number of times, or attempts, or both.
(vii) The responses received from the fully licensed psychologists contacted.

R 338.2573 Relicensure; limited licensed psychologist; requirements
Rule 73. (1) An applicant whose limited license has lapsed for less than 3 years preceding the date of application for relicensure may be relicensed under section 16201(3) of the code, MCL 333.16201(3), if the applicant satisfies all of the following requirements:
   (a) Submits the required fee and a completed application on a form provided by the department.
   (b) Establishes that he or she is of good moral character as defined under 1974 PA 381, MCL 338.41 to MCL 338.47.
   (c) Submits proof to the department of accumulating not less than 30 hours of continuing education that satisfies the requirements of R 338.2581 and R 338.2583 during the 2 years immediately preceding relicensure.
   (2) An applicant whose limited license has lapsed for 3 years or more preceding the date of application for relicensure may be relicensed under section 16201(4) of the code, MCL 333.16201(4), if the applicant satisfies all of the following requirements:
   (a) Submits the required fee and a completed application on a form provided by the department.
   (b) Establishes that he or she is of good moral character as defined under 1974 PA 381, MCL 338.41 to 338.47.
   (c) Submits fingerprints as required under section 16174(3) of the code, MCL 333.16174(3).
   (d) Meets either of the following requirements:
      (i) Passes the examination approved by the board under R 338.2563.
      (ii) Presents evidence to the department that he or she was licensed as a psychologist in another state at any time during the 3-year period immediately preceding the application for relicensure.
   (3) An applicant shall have his or her license verified by the licensing agency of any state in which the applicant holds or ever held a license as a psychologist. If applicable, verification shall include the record of any disciplinary action taken or pending against the applicant.

PART 4. CONTINUING EDUCATION

R 338.2581 License renewals; psychologist; limited licensed psychologist; requirements; applicability.
   Rule 81. (1) This part applies to applications for renewal of a psychologist license and a psychologist limited license under sections 16201 and 18233(1) of the code, MCL 333.16201 and MCL 333.18233(1), that are filed for the renewal cycle beginning 1 year or more after September 15, 2015.
   (2) An applicant for license renewal who has been licensed for the 2-year period immediately preceding the application date for renewal shall accumulate not less than 30 hours of continuing education in activities approved by the board under these rules during the 2 years immediately preceding the application for renewal.
   (3) Submission of an application for renewal constitutes the applicant’s certification of compliance with the requirements of this rule. The licensee shall retain documentation of satisfying the requirements of this rule for a period of 4 years from the date of applying for license renewal. Failure to satisfy this rule is a violation of section 16221(h) of the code, MCL 333.16221(h).
   (4) The requirements of this rule do not apply to a licensee during his or her initial licensure cycle.

R 338.2583 Acceptable continuing education; requirements; limitations.
   Rule 83. (1) The 30 hours of continuing education required under R 338.2581(2) for the renewal of a psychologist license and a psychologist limited license must satisfy the following requirements, as applicable:
      (a) No more than 12 hours of continuing education must be earned during one 24-hour period.
(b) There is no limitation to the number of continuing education credit hours that may be earned online.

(c) Credit for a continuing education program or activity that is identical or substantially identical to a program or activity for which the licensee has already earned credit during that renewal period must not be granted.

(d) Under section 18233(2) of the code, MCL 333.18233(2), at least 2 hours of continuing education must be earned in the area of pain and symptom management. Continuing education hours in pain and symptom management may include, but are not limited to, courses in behavior management, psychology of pain, pharmacology, behavior modification, stress management, clinical applications, and drug interventions as they relate to professional practice.

(e) At least 3 hours of continuing education must be earned in the area of ethics.

(2) The board shall consider any of the following activities as acceptable continuing education:

**ACCEPTABLE CONTINUING EDUCATION ACTIVITIES**

<table>
<thead>
<tr>
<th>Activity Code</th>
<th>Activity and Proof Required</th>
<th>Number of continuing education hours granted/permited for activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>a</td>
<td>Attendance at or participation in a continuing education program or activity related to</td>
<td>The number of continuing education hours for a specific program or</td>
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<td></td>
<td>the practice of psychology, or any non-clinical subject relevant to psychological practice,</td>
<td>activity shall be the number of hours approved by the sponsor or the</td>
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<td></td>
<td>education, administration, management, or science, which includes, but is not limited to:</td>
<td>approving organization for the specific program or activity. A</td>
</tr>
<tr>
<td></td>
<td>live, in person programs; interactive or monitored teleconference, audio-conference, or</td>
<td>maximum of 30 hours of continuing education may be earned for this</td>
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<td></td>
<td>web-based programs; online programs; and journal articles or other self-study programs</td>
<td>activity in each renewal period.</td>
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<td>approved or offered by any of the following organizations:</td>
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<td></td>
<td>• A statewide bar association.</td>
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<tr>
<td></td>
<td>• A statewide psychological association affiliated with the American Psychological</td>
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<tr>
<td></td>
<td>Association.</td>
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<tr>
<td></td>
<td>• The American Association of Group Psychotherapy.</td>
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<td></td>
<td>• The American Association of Marriage and Family Therapists.</td>
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<td></td>
<td>• The American Association of Pastoral Counselors.</td>
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<tr>
<td></td>
<td>• The American Association of Psychotherapy.</td>
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<tr>
<td></td>
<td>• The American Association of Sex Educators, Counselors, and Therapists.</td>
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<tr>
<td></td>
<td>• The American Bar Association.</td>
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<td></td>
<td>• The American Board of Professional Neuropsychology.</td>
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<tr>
<td></td>
<td>• The American Board of Professional Psychologists.</td>
<td></td>
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<tr>
<td></td>
<td>• The American Counseling Association.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• The American Medical Association.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• The American Mental Health Counselor</td>
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</tbody>
</table>
Association.

- The American Nurses Association.
- The American Psychiatric Association.
- The American Psychological Association.
- The American Psychotherapy Association.
- The American Society of Addiction Medicine.
- Another state or provincial board of psychology.
- The Association for Psychological science.
- The Association of State and Provincial Psychology Boards.
- The Canadian Psychological Association.
- The Michigan Certification Board for Addiction Professionals.
- The Michigan Psychoanalytic Institute.
- The Michigan Society for Psychoanalytic Psychology.
- The National Association of School Psychologists.
- The National Association of Social Workers.
- The National Board of Certified Counselors.
- The National Register of Health Service Providers in Psychology.
- Nationally or regionally accredited academic institutions.
- Nationally or regionally accredited hospitals or mental health treatment centers.
- State, provincial, and territorial psychological associations.

If audited, the licensee shall submit a program description, a copy of a letter or certificate of completion showing the licensee’s name, number of continuing education hours earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, and the date on which the program was held or activity completed.

b Passing a postgraduate academic course related to the practice of psychology offered in a regionally accredited educational program.

If audited, the licensee shall submit an official transcript documenting successful completion of the course.

Five hours of continuing education shall be granted for each academic credit hour passed. A maximum of 20 hours of continuing education may be earned for this activity in each renewal period.
<table>
<thead>
<tr>
<th></th>
<th>Initial presentation of a continuing education program related to the practice of psychology provided to a state, regional, national, or international psychological organization. Two hours of continuing education shall be granted for each 50 to 60 minutes of presentation. No additional credit shall be granted for preparation of a presentation. A maximum of 20 hours of continuing education may be earned for this activity in each renewal period.</th>
</tr>
</thead>
<tbody>
<tr>
<td>c</td>
<td>To receive credit, the presentation must not be a part of the licensee’s regular job description and must be approved or offered for continuing education credit by any of the organizations listed under activity code a of this subrule. If audited, the licensee shall submit a program description, a copy of the presentation notice or advertisement showing the date of the presentation, the licensee’s name listed as a presenter, and the name of the organization that approved or offered the presentation for continuing education credit.</td>
</tr>
<tr>
<td>d</td>
<td>Two hours of continuing education shall be granted for each 50 to 60 minutes of presentation. No additional credit shall be granted for preparation of a presentation. A maximum of 20 hours of continuing education may be earned for this activity in each renewal period.</td>
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<td></td>
<td>Initial presentation of a scientific exhibit, poster, scientific paper, or clinical demonstration to a psychological organization.</td>
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<td></td>
<td>To receive credit, the presentation shall not be part of the licensee’s regular job description or performed in the normal course of the licensee’s employment.</td>
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<td></td>
<td>If audited, the licensee shall submit a copy of the document presented with evidence of presentation or a letter from the program sponsor verifying the length and date of the presentation.</td>
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<tr>
<td>e</td>
<td>Two hours of continuing education shall be granted for each 50 to 60 minutes of presentation. No additional credit shall be granted for preparation of the presentation. A maximum of 20 hours of continuing education may be earned for this activity in each renewal period.</td>
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<td></td>
<td>Initial publication of an article related to the practice of psychology in a peer-reviewed journal.</td>
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<td></td>
<td>Five hours of continuing education shall be granted for serving as the primary author. Two hours of continuing education shall be granted for serving as the secondary author. A maximum of 20 hours of continuing education may be earned for this activity in each renewal period.</td>
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<td></td>
<td>If audited, the licensee shall submit a copy of the publication that identifies the licensee as the author or a publication acceptance letter.</td>
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<td>f</td>
<td>One hour of continuing education shall be granted for each article. A maximum of 3 hours of continuing education may be earned for this activity in each renewal period.</td>
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<td></td>
<td>Initial publication of an article related to the practice of psychology in a non-peer reviewed journal, newsletter, or magazine.</td>
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<td></td>
<td>If audited, the licensee shall submit a copy of the publication that identifies the licensee as the author or a publication acceptance letter.</td>
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<tr>
<td>g</td>
<td>Five hours of continuing education shall be granted for serving as the primary author. Two hours of</td>
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<td>h</td>
<td>Initial publication of a book related to the practice of psychology. If audited, the licensee shall submit proof of publication that identifies the licensee as the author or a publication acceptance letter.</td>
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<tr>
<td>i</td>
<td>Identifying, researching, and resolving an event or issue related to clinical or professional practice. If audited, the licensee shall submit a summary of activities, including hours spent, references if relevant, as well as a description of event or issue involved in identifying, researching, and resolving the event or issue.</td>
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<tr>
<td>j</td>
<td>Participating on a state or national committee, board, council, or association related to the field of psychology. A committee, board, council, or association is considered acceptable by the board if it enhances the participant’s knowledge and understanding of the field of psychology. If audited, the licensee shall submit documentation verifying the licensee’s participation in at least 50% of the regularly scheduled meetings of the committee, board, council, or association.</td>
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<tr>
<td>k</td>
<td>Participating as a student in a postdoctoral clinical training program related to the practice of psychology provided through an accredited educational program for psychologists that satisfies the standards adopted by the board under R 338.2529(2). If audited, the licensee shall submit a letter from the program director verifying the licensee participated in the program.</td>
</tr>
<tr>
<td>l</td>
<td>Participating as a surveyor in the accreditation, certification, or inspection of an educational, clinical or service delivery program for psychologists with any of the following organizations: - The Commission on Accreditation (COA).</td>
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<td></td>
<td>The Joint Commission.</td>
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<td>The Commission on Accreditation of Rehabilitation Facilities (CARF) International.</td>
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<td></td>
<td>The American Psychological Association.</td>
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<td></td>
<td>The Psychological Clinical Science Accreditation System (PCSAS).</td>
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<td>If audited, the licensee shall submit a letter from the accreditation, certification or inspection program verifying the licensee’s participation and the location of the inspections or examinations.</td>
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<td>m</td>
<td>Participating on any of the following committees:</td>
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<td></td>
<td>- A peer review committee dealing with quality patient care as it relates to the practice of psychology.</td>
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<td>- A committee dealing with utilization review as it relates to the practice of psychology.</td>
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<td></td>
<td>- A health care organization committee dealing with patient care issues related to the practice of psychology.</td>
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<td></td>
<td>If audited, the licensee shall submit a letter from an organization official verifying the licensee’s participation in at least 50% of the regularly scheduled meetings of the committee.</td>
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<td>n</td>
<td>Serving as an instructor for the first time for any of the following programs:</td>
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<td></td>
<td>- Students, staff, or other licensees at a postdoctoral clinical training program related to the practice of psychology provided at an accredited educational program for psychologists that satisfies the standards adopted by the board under R 338.2529(2).</td>
</tr>
<tr>
<td></td>
<td>- Students, interns, residents, or staff in an accredited educational or training program in the area of psychology that satisfies the standards adopted by the board under R 338.2529(2).</td>
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<td>If audited, the licensee shall submit a letter from the program director verifying the licensee’s role, length of the lecture or lectures, and the date on which the lecture or lectures was held.</td>
</tr>
<tr>
<td>o</td>
<td>Providing clinical supervision for master’s, doctoral, or postdoctoral level students.</td>
</tr>
<tr>
<td>Licensee’s regular job description.</td>
<td>Continuing education may be earned for this activity in each renewal period.</td>
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<tr>
<td>If audited, the licensee shall submit a letter from an authorized official at the agency employing the licensee verifying the licensee’s role and the number of supervision hours the licensee provided.</td>
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<tr>
<td><strong>p</strong> Participating in peer supervision or consultation with professional colleagues.</td>
<td>One hour of continuing education shall be granted for each 50 to 60 minutes of participation. A maximum of 10 hours of continuing education may be earned for this activity in each renewal period.</td>
</tr>
<tr>
<td>If audited, the licensee shall submit an affidavit from the colleague that was involved in the peer supervision or consultation. The affidavit must attest to the licensee’s role and the number of hours the licensee spent participating in these activities.</td>
<td></td>
</tr>
<tr>
<td><strong>q</strong> Participating in case conferences, including hospital grand rounds, multidisciplinary conferences, for training purposes.</td>
<td>One hour of continuing education shall be granted for each 50 to 60 minutes of participation. A maximum of 5 hours of continuing education may be earned for this activity in each renewal period.</td>
</tr>
<tr>
<td>If audited, the licensee shall submit a letter from the administrative or clinical supervisor verifying the types of conferences and the number of hours the licensee spent participating in the conferences.</td>
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<tr>
<td><strong>r</strong> Providing individual supervision for a limited licensed psychologist beyond the hours of supervision required under R 338.2571(a) or (b). Supervision provided as part of a disciplinary sanction may be included under this activity.</td>
<td>One hour of continuing education shall be granted for each 50 to 60 minutes of supervision provided beyond the hours of supervision required per month. A maximum of 10 hours of continuing education may be earned for this activity in each renewal period.</td>
</tr>
<tr>
<td>If audited, the licensee shall submit an affidavit from the limited licensed psychologist who received the supervision. The affidavit must attest to the licensee’s role as a supervisor and the number of hours the licensee spent providing supervision to the limited licensed psychologist.</td>
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<tr>
<td><strong>s</strong> Receiving individual supervision from a licensed psychologist beyond the hours of supervision required under R 338.2571(a) or (b). Supervision received as part of a disciplinary sanction must not be included under this activity.</td>
<td>One hour of continuing education shall be granted for each 50 to 60 minutes of supervision received beyond the hours of supervision required per month. A maximum of 10 hours of continuing education may be earned for this activity in each renewal period.</td>
</tr>
<tr>
<td>If audited, the licensee shall submit an affidavit from the licensed psychologist who provided the supervision. The affidavit must attest to the licensee’s role as a supervisee and the number of hours the licensee spent receiving supervision from the licensed psychologist.</td>
<td></td>
</tr>
<tr>
<td><strong>t</strong> Participation in a panel discussion relevant to the practice of psychology in an approved continuing</td>
<td>One hour of continuing education shall be granted for each 50 to 60</td>
</tr>
<tr>
<td>Education Program or an Organized Health Care Setting as Defined in R 338.2521(1)(e).</td>
<td>Minutes Spent Participating in the Panel Discussion. A Maximum of 5 Hours of Continuing Education May Be Earned for This Activity in Each Renewal Period.</td>
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</tr>
<tr>
<td>If Audited, the Licensee Shall Submit Documentation from the Organizer of the Panel Discussion Verifying the Topic of the Panel Discussion and the Number of Hours the Licensee Spent Participating in the Discussion.</td>
<td></td>
</tr>
</tbody>
</table>
| Obtaining Initial Certification in a Specialty Area by 1 of the Following Organizations:  
  - The American Board of Professional Psychology.  
  - The Michigan Certification Board for Addiction Professionals. | Twenty Hours of Continuing Education Shall Be Granted for Obtaining Initial Certification. A Maximum of 20 Hours of Continuing Education May Be Earned for This Activity in Each Renewal Period. |
| If Audited, the Licensee Shall Submit Proof of Certification. | |
| Participation in the Development of a National Examination for Psychologists. | Five Hours of Continuing Education Shall Be Granted for Participation. A Maximum of 5 Hours of Continuing Education May Be Earned for This Activity in Each Renewal Period. |
| If Audited, the Licensee Shall Submit Documentation from the Sponsor of the Examination Verifying the Licensee’s Role and Participation in the Development of the Examination. | |

R 338.2585 Continuing Education Providers; Standards for Approval.

Rule 85. (1) A continuing education provider that is not pre-approved under R 338.2583 may be approved by the board. To be approved by the board, the provider must complete an application provided by the department, file the application with the department for review no later than 90 days before the program date, and satisfy subrule (2) of this rule. The application and supporting documentation must include all of the following information:

(a) A program schedule, including date of the program, topics, the name of the presenter or presenters, and break times.
(b) An explanation of how the program is being designed to further educate psychologists, including a short narrative describing the program content and the criteria for the selection of the content.
(c) Copies of instructional objectives that have been developed.
(d) Copies of all promotional and advertising materials for the program.
(e) The name, title, and address of the program director and a description of his or her qualifications to direct the program.
(f) A description of how the amount of continuing education credit to be awarded for this program was determined.
(g) A description of how participants will be notified that continuing education credit has been earned.
(h) A copy of the curriculum vitae for each presenter.
(i) A description of the delivery method or methods to be used during the presentation.
(j) A copy of the assessment instrument, if any, that will be used for participant evaluation.
(k) A description of how the assessment, if any, will be administered, corrected, and returned to participants.

(l) A description of how attendance will be monitored.

(2) A program provider or sponsor approved under subrule (1) of this rule shall issue certificates or letters of attendance that include all of the following information:

(a) The name of the sponsor.
(b) The name of the program, including the name of the presenter or presenters.
(c) The name of the attendee.
(d) The date of the program.
(e) The Michigan approval number, if assigned by the department.
(f) The signature of the person responsible for attendance monitoring and his or her title.
(g) The number of hours attended and the amount of continuing education credits earned.
These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the director of insurance and financial services by sections 210 and 1204a of the insurance code of 1956, 1956 PA 218, MCL 500.210 and 500.1204a, and Executive Reorganization Order No. 2013-1, MCL 550.991)

R 500.1, R 500.2, R 500.3, R 500.4, R 500.5, and R 500.6 of the Michigan Administrative Code are amended, as follows:

R 500.1 Definitions.
Rule 1. As used in these rules:
(a) "Code" means the insurance code of 1956, MCL 500.100 to 500.8302.
(b) “Director” means the director of the department of insurance and financial services.
(c) "Instructor" means the person responsible for the conduct of instruction of the program.

R 500.2 Program review and registration.
Rule 2. (1) For a program to be registered as an insurance agent producer/solicitor program of study, program course materials and examinations must be submitted in their entirety to the director for review. The director will determine which courses meet the standards set forth in these rules for registration as qualified insurance producer/solicitor program courses.
(2) Any change in course material after approval is granted must also be submitted to the director not less than 2 weeks before implementation.
(3) The director may, at any time, request a review of any and all materials, classrooms, and instructors.
(4) A program of study must be taught by an instructor meeting the requirements of R 500.6.
(5) A program of study may be taught by any of the following methods: classroom, self-study, online, or a combination of any of those methods.

R 500.3 Property, casualty, or personal lines insurance producers and solicitors; curriculum and final examination requirements.
Rule 3. (1) To qualify as a registered insurance producer/solicitor program of study on the subjects of property or casualty insurance, a course must provide a minimum of 20 hours of instruction for a property program, 20 hours of instruction for a casualty program, 20 hours of instruction for a personal
lines program, or 40 hours of instruction for a program of study combining property and casualty curricula.

(2) The 20 hours of instruction and final examination for a property program must include all of the following areas, but may be taught in any order or combination the instructor chooses:
(a) Fourteen hours on the principles of property insurance, including the following subjects and their definitions, characteristics, and application:
   (i) Fire insurance.
   (ii) General property form.
   (iii) Home insurance.
   (iv) Personal and commercial automobile insurance.
   (v) Inland marine insurance.
   (vi) Commercial package policies.
   (vii) Boiler and machinery insurance.
   (viii) Rates and rate changes, including coinsurance.
   (ix) Business interruption insurance.
(b) Six hours on professional ethics and the requirements of the insurance laws of Michigan, including, but not limited to, the following chapters of the Michigan insurance code:
   (i) Chapter 12 of the code, MCL 500.1200 to 500.1247.
   (ii) Chapter 20 of the code, MCL 500.2001 to 500.2093.
   (iii) Chapter 21 of the code, MCL 500.2101 to 500.2131.
   (iv) Chapter 31 of the code, MCL 500.3101 to 500.3179.
   (v) Chapter 45 of the code, MCL 500.4501 to 500.4511.
(3) The 20 hours of instruction and final examination for a casualty program must include all of the following areas, but may be taught in any order or combination the instructor chooses:
(a) Fourteen hours on the principles of liability insurance, including the following subjects and their definitions, characteristics, and application:
   (i) Basic principles of liability.
   (ii) On-premises insurance.
   (iii) Off-premises insurance.
   (iv) Products and completed operations insurance.
   (v) Contractual liability insurance.
   (vi) Comprehensive general liability insurance.
   (vii) Personal liability insurance as contained in home, auto, and personal umbrella policies.
   (viii) Workers’ compensation insurance.
(b) Six hours on professional ethics and the requirements of the insurance laws of Michigan, including, but not limited to, the following chapters of the Michigan insurance code:
   (i) Chapter 12 of the code, MCL 500.1200 to 500.1247.
   (ii) Chapter 20 of the code, MCL 500.2001 to 500.2093.
   (iii) Chapter 21 of the code, MCL 500.2101 to 500.2131.
   (iv) Chapter 31 of the code, MCL 500.3101 to 500.3179.
   (v) Chapter 45 of the code, MCL 500.4501 to 500.4511.
(4) The 40 hours of instruction and final examination for a combined property and casualty program must include all of the following areas, but may be taught in any order or combination the instructor chooses:
   (a) Thirty-four hours on all of the topics listed in subrules (2)(a) and (3)(a) of this rule.
   (b) Six hours on the topics listed in subrule (3)(b) of this rule.
(5) A program of study completed under subrule (4) of this rule satisfies the program of study requirements for personal lines producers and solicitors.
R 500.4 Life and accident and health producers; curriculum requirements.

Rule 4. (1) To qualify as a registered insurance producer program of study on the subject of accident and health insurance, a course must provide for a minimum of 20 hours of study. These 20 hours of instruction and final examination must include all of the following areas, but may be taught in any order the instructor chooses:

(a) Fourteen hours on the principles of accident and health insurance, including, but not limited to, the following subjects and their definitions, characteristics, and application:
   (i) Loss of time or disability policies.
   (ii) Expense incurred policies.
   (iii) Accidental death and dismemberment policies.
   (iv) Hospital indemnity policies.
   (v) Medicare supplement policies.
   (vi) Dread disease policies.
   (vii) Long-term care policies.
   (viii) Group health insurance policies.
   (ix) Major medical policies.
   (x) Excess loss policies.
   (xi) Blanket disability policies.
(b) Six hours on professional ethics and the requirements of the insurance laws of Michigan, including, but not limited to, all of the following chapters and subjects:
   (i) Chapter 12 of the code, MCL 500.1200 to 500.1247.
   (ii) Chapter 20 of the code, MCL 500.2001 to 500.2093.
   (iii) Chapter 34 of the code, MCL 500.3400 to 500.3477.
   (iv) Chapter 45 of the code, MCL 500.4501 to 500.4511.
   (vi) The definitions and characteristics of all of the following:
       (A) Title X of the consolidated omnibus budget reconciliation act of 1985 (Title X of COBRA), Public Law 99-272.
       (B) Third-party administrators.
       (C) Multiple employer welfare arrangements.
       (D) Administrative services only contracts.
       (E) Coordination of benefits.
       (F) The patient protection and affordable care act, Public Law 111-148, as amended by the health care and education reconciliation act of 2010, Public Law 111-152.

(2) To qualify as a registered insurance producer program of study on the subject of life insurance, a course shall provide for a minimum of 20 hours of study. These 20 hours of instruction and final examination must include all of the following areas, but may be taught in any order the instructor chooses:

(a) Fourteen hours on the principles of life insurance, including, but not limited to, all of the following subjects and their definitions, characteristics, and application:
   (i) All of the following types of policies and principal policy provisions:
       (A) Term life policies.
       (B) Whole life policies.
       (C) Endowment policies.
       (D) Universal life policies.
       (E) Variable life policies.
(ii) Annuities.
(iii) Premiums and dividends.
(iv) Group life insurance.

(b) Six hours on professional ethics and the requirements of the insurance laws of Michigan, including, but not limited to, all of the following chapters and subjects:
(i) Chapter 12 of the code, MCL 500.1200 to 500.1247.
(ii) Chapter 20 of the code, MCL 500.2001 to 500.2093.
(iii) Chapter 40 of the code, MCL 500.4000 to 500.4073.
(iv) Chapter 44 of the code, MCL 500.4400 to 500.4454.
(v) Chapter 45 of the code, MCL 500.4501 to 500.4511.
(vi) R 500.1371 to R 500.1387 of the Michigan Administrative Code.

(3) The 40 hours of instruction and final examination for a combined life and accident and health program must include all of the following areas, but may be taught in any order or combination the instructor chooses:
(a) Thirty-four hours on all of the topics listed in subrules (1)(a) and (2)(a) of this rule.
(b) Six hours on the topics listed in subrule (2)(b) of this rule.

R 500.5 Methods of instruction.

Rule 5. (1) For classroom courses, instruction of the entire number of approved credit hours must be conducted on-site at the classroom location identified by the education provider.

(2) For self-study courses, contact between the instructor and student must be maintained through homework and examination. Instruction for the entire number of approved credit hours shall be completed by the student without classroom instruction. At the end of the course, students must pass a final examination which covers all subjects required to be taught in the course of instruction.

(3) For online courses, instruction of the entire number of approved credit hours must be conducted by electronic interaction between the instructor and the student. At the end of the course, students must pass a final examination which covers all subjects required to be taught in the course of instruction.

(4) For courses approved to be taught as a combination course (classroom and self-study, classroom and online, or self-study and online), instruction of the number of approved classroom hours must be conducted on-site at the classroom location identified by the education provider, and the number of approved self-study or online hours must be completed by the student outside the classroom. Contact between the instructor and student must be maintained through classroom contact, homework, and examination. At the end of the course, students must pass a final examination which covers all subjects required to be taught in the course of instruction.

(5) Records of response from students shall be maintained by the instructor for a period of 1 year.

R 500.6 Instructor requirements.

Rule 6. (1) To qualify as an instructor of a registered insurance producer/solicitor program of study, a person shall possess at least 1 of the following:
(a) Three years of experience in the line of insurance which is to be taught.
(b) Three years of experience in teaching.
(c) Three years of experience in insurance and teaching combined.

(2) Approved instructors must report any of the following to the director within 30 calendar days of the event, stating in his or her own words the circumstances of the event:
(a) Violation of an insurance law or violation of a rule, subpoena, order of the director, or of another state’s insurance commissioner.

(b) If the instructor has been found liable, has been convicted of, or has been found responsible in an administrative proceeding of using fraudulent, coercive, or dishonest practices or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in this state or outside this state.

(c) Revocation of the instructor’s insurance producer license or its equivalent by any state, province, district, or territory of the United States.

(3) Approved instructors must obtain the director’s approval prior to scheduling or taking any Michigan insurance licensing examination.
MCL 24.242(3) states in part:

“... the agency shall submit a copy of the notice of public hearing to the Office of Regulatory Reform for publication in the Michigan register. An agency's notice shall be published in the Michigan register before the public hearing and the agency shall file a copy of the notice of public hearing with the Office of Regulatory Reform.”

MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(d) Proposed administrative rules.

(e) Notices of public hearings on proposed administrative rules.”
These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.


R 493.5, R 493.10, and R 493.95 of the Michigan Administrative Code are rescinded, R 493.1, R 493.11, R 493.12, R 493.14, R 493.15, R 493.16, and R 493.20 are amended, and R 493.22 and R 492.24 are added, to the Code as follows:

R 493.1 Definitions.
   Rule 1. (1) As used in these rules:
      (a) "Act" means the regulatory loan act, 1939 PA 21, MCL 493.1 to 493.24. Act No. 21 of the Public Acts of 1939, as amended, being S493.1 et seq. of the Michigan Compiled Laws.
      (b) "Bureau" means the financial institutions bureau.
      (c) "Commissioner" means the commissioner of the financial institutions bureau.
      (d) "Director" means the director of the department of insurance and financial services.
   (2) Terms defined in the act have the same meaning when used in these rules.

R 493.5 Applications. Rescinded.
   Rule 5. (1) When a properly completed application form, together with any required fees, bonds, and accompanying documents, is received by the bureau, it shall be filed. The date of the filing shall determine the priority rights of an applicant.
   (2) If the application is approved, the applicant shall be given a specified period of time within which the office must be established and in operation. The approval and application shall become void if the applicant does not establish the office within the specified time, unless the period of time is extended in writing by the commissioner.

R 493.10 Records; maintenance by means of data processing equipment permitted; availability. Rescinded.
Rule 10. A licensee may maintain any or all of the records required by R 493.11 to R 493.13 by means of electronic data processing equipment. For examination purposes, a licensee shall make available, at a location in Michigan, all the information contained in these records written in the English language on paper or, with the approval of the commissioner, by means of an alternative medium.

R 493.11 Records; daily transactions; borrowers; alphabetical index; judgments.

Rule 11. (1) A licensed office licensee shall maintain a record of all transactions involving receipt or disbursement of money by that office each day each office from which the licensee operates. The record shall identify each transaction; show separately payments received on principal and interest charges; show account numbers, names of borrowers, and all amounts disbursed; and shall be posted and balanced daily.

(2) A licensee shall maintain, from the date of loan inception, a record for each borrower which contains all of the following information:

(a) Borrower’s name and address.
(b) Loan number.
(c) Loan amount.
(d) Loan date.
(e) Rate of charge.
(f) Repayment terms.
(g) Description of security.
(h) Names of endorsers, comakers, or sureties.
(i) Amount of filing or discharge fees collected from the borrower.
(j) Marital status only if the loan is secured by household goods.
(k) Any amount received or withheld from the borrower as a premium for insurance in connection with the loan, and the period covered by such insurance policy or policies.
(l) The date and amounts of all principal payments received, interest charges received, and cash disbursements pertaining to the loan, including court costs.

(m) The date to which interest charges are paid and the unpaid balance due on the principal.

(3) A licensee shall maintain an alphabetical index identifying the name, loan number, and original loan amount of each borrower, comaker, surety, guarantor, or endorser. Information concerning a comaker, surety, guarantor, or endorser shall be readily identifiable.

(4) When a note is reduced to judgment, all of the following provisions shall be complied with:

(a) The loan record maintained pursuant to subrule (2) of this rule shall be clearly designated a judgment account.
(b) Payments received shall be identified and applied on the judgment loan record.
(c) The licensee shall retain a statement signed by a judge or clerk of the court which shall disclose all of the following information:

(i) Judgment date.
(ii) Name of licensee.
(iii) Judgment debtor’s name.
(iv) Date suit was filed.
(v) Nature of the suit.
(vi) Name and location of the court.
(vii) Amount of the judgment, specifying principal, interest charges, and court costs.
(viii) A judgment of default, consent, or contested suit.
(ix) Disposition of the case; all filings, judgments, and other documents related to the judgment.
(d) A licensee shall maintain a list of all loans reduced to judgment during the previous 25 months.
(e) A licensee which that charges a borrower for court costs incurred on a judgment account shall itemize the costs on the loan record and retain a receipt or other document substantiating the costs.
(f) A licensee shall retain a copy of the officer’s return of execution issued when property is sold pursuant to a judgment.

(5) When property is taken in accordance with the terms of a security agreement or by judicial process or abandonment, the loan record shall must be designated clearly as a foreclosure repossession account and shall must state when and how possession of the security was obtained and shall must identify the proceeds of the sale of the property. The licensee shall retain all of the following:
(a) A copy of any agreement entered into with the borrower with respect to terms of surrender.
(b) A copy of the notice of sale, together with evidence of mailing or personal delivery.
(c) An inventory of the property taken, unless it appears in detail on the notice of sale.
(d) A signed statement from the purchasers, or from the auctioneer if the sale was public, describing the collateral purchased and showing the amounts paid.
(e) Evidence that the sale was held on the date set forth in the notice of sale, including a record of any bids received.
(f) A copy of a detailed statement of final accounting sent to the borrower setting forth the disposition of the proceeds of the sale and the principal balance due on the account, if any.
(g) Paid receipts evidencing costs incurred in the repossession and sale of the security which have been charged to the borrower.
(h) A list of all loan accounts foreclosed where collateral was repossessed each month during the previous 25 months.

(6) When the property is abandoned and the address of the borrower is uncertain or unknown, a notice of sale and statement of final accounting shall be sent to the last known address by registered or certified mail, return receipt requested, and the copies of the notice and statement shall be retained by the licensee.

(7) Within 30 days after consolidation of 2 or more licensed offices, the records maintained pursuant to R 493.11(2) by each of these offices shall be consolidated and the records maintained by the offices pursuant to R 493.11(3) shall be consolidated.

R 493.12 Records; assets, liabilities, income, and expenses; temporary entry items.
Rule 12. (1) A licensee shall maintain records showing the all of its assets, and liabilities, income, and expenses of each licensed office and records of the aggregate income and aggregate expenses of all its licensed Michigan offices.
(2) A licensee shall maintain lists of temporary entry items.
(3) The records required by this rule shall must be posted not less frequently than monthly and shall must be available for examination by the bureau department not later than 25 days after the end of a month and for 2 years thereafter.

R 493.14 Correspondence; retention by licensed office licensee.
Rule 14. Each licensed office licensee shall retain all its written correspondence with the bureau department.

R 493.15 Insurance certificate or policy; provision to borrower of copy of document evidencing indebtedness or constituting security; consolidation of loans; retention of documents evidencing indebtedness or security.
Rule 15. (1) When a licensee obtains insurance on behalf of the borrower in connection with a loan, wherein the premium is paid by the borrower, a properly executed policy or certificate of insurance shall must be furnished to the borrower within 15 days of the date of the loan. Such policy or certificate shall must clearly show all of the following:

(a) The name of the insurance company.
(b) The nature of the insurance.
(c) The extent of the coverage.
(d) The amount of the premium.
(e) The effective date and expiration date of the policy.

(2) A licensee shall furnish to a borrower, upon request, a copy of any note, assignment, or other document, which that evidences indebtedness or constitutes security and which that the borrower is required to sign.

(3) When an additional loan is made to a borrower who has a loan outstanding, the unpaid balance of the existing loan and the additional loan shall be consolidated into a new loan.

(4) Each licensed office licensee shall retain the original or a copy of each note, security agreement, or other evidence of indebtedness or security which that has been signed by a borrower in favor of the licensee.

R 493.16 Designated business hours.

Rule 16. A licensed office licensee shall display conspicuously a sign announcing the hours of each day during which an employee of the licensee will be present in the office to accept payments from borrowers prominently display, at each business location and website, the respective days and times a borrower will be able to make payments.

R 493.20 Advertising.

Rule 20. (1) A licensee shall maintain copies of all direct mail advertising material that is mailed from any location and marketed sent to residents of Michigan. The date that the direct mail advertising material was used shall must be indicated on the material. A licensee that operates 2 or more licensed offices located physical locations or websites, or both, in Michigan may, upon notice to the commissioner director, maintain 1 record of the advertising material required by this rule in a centrally located office in Michigan for all licensed offices. A licensee that does not have a licensed office located in Michigan shall maintain the copies required by this rule at its home office. All copies that are required to be maintained by the this rule shall must be retained for a minimum of 3 years and shall be made available for inspection by a representative of the bureau.

(2) An address shall must not be carried in any advertisement, except for the address of a licensed office an active location or the home office of the licensee.

(3) A licensee shall not pay any person for loan applications or recommendations.

R 493.22 Display of license information.

Rule 22. (1) A licensee shall display a copy of its license in a public area at each physical office location within Michigan.

(2) Each website operated by a licensee must display the assigned license number and effective date, identify the department as the licensee’s regulator, and provide the address and telephone number that a person may use to contact the department.

R 493.24 Monthly statements.

Rule 24. A licensee shall provide each borrower listed on a loan document with a monthly statement of account that includes all of the following:
(a) Borrower’s name and address.
(b) Loan number.
(c) Loan amount.
(d) Loan date.
(e) Rate of charge.
(f) Amount of filing or discharge fees collected from the borrower.
(g) Any amount received or withheld from the borrower as a premium for insurance in connection with the loan, and the period covered by such insurance policy or policies.
(h) The date and amounts of all principal payments received, interest charges received, fees received, fees assessed, and cash disbursements pertaining to the loan, including court costs.
(i) The date to which interest charges are current, any unpaid fees, and the balance due on the principal.

R 493.95 Rescission. Rescinded.
Rule 95, R 487.71 to R 487.91 and R 487.205, appearing on pages 4933 to 4937, 4939, and 4940 of the 1979 Michigan Administrative Code, are rescinded.
NOTICE OF PUBLIC HEARING

Department of Insurance and Financial Services
Financial Institutions
Administrative Rules for Regulatory Loan Licensees
Rule Set 2019-29 IF

NOTICE OF PUBLIC HEARING
Monday, February 10, 2020
01:00 PM
Upper Level, Conference Room No. 6
611 W. Ottawa St., Lansing, Michigan

The Department of Insurance and Financial Services will hold a public hearing to receive public comments on proposed changes to the Regulatory Loan Licensees rule set.

The proposed rules are being amended to provide consistency between the rules and the Regulatory Loan Act, MCL 493.21, et seq. (RLA) to ensure consistent regulation. The proposed rule set also eliminates duplication between the rules and the RLA.

This notice of public hearing is given in accordance with Sections 41 and 42 of the Administrative Procedures Act, MCL 24.241 and 24.242. These rules are promulgated pursuant to authority conferred on the Director of DIFS by Section 21 of the Regulatory Loan Act, MCL 493.21. These rules will take effect immediately after filing with the Secretary of State. The rules are published on the Michigan Government web site at http://www.michigan.gov/moahr and in the Michigan Register in the 1/15/2020 issue. Copies of the draft rules may also be obtained by mail or electronic transmission at the following address:

Department of Insurance and Financial Services
Financial Institutions
Michele Estrada
Department of Insurance and Financial Services, Office of Research, Rules, and Appeals, P.O. Box 30220, Lansing, MI 48909-7720
Email: EstradaM1@michigan.gov

Comments on the rules may be made in person at the hearing or by mail or electronic mail until 2/10/2020 at 05:00PM.

The public hearing will be conducted in compliance with the 1990 Americans with Disabilities Act, in accessible buildings with handicap parking available. Anyone needing assistance to take part in the hearings due to disability may call 517-284-8735 to make arrangements.
PROPOSED ADMINISTRATIVE RULES

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES INSURANCE AND FINANCIAL SERVICES

BUREAU OF CORPORATIONS, SECURITIES AND LAND DEVELOPMENT

MOBILE HOME AND LAND RESOURCES DIVISION

DEBT MANAGEMENT

Filed with the secretary of state on

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the director of the department of commerce insurance and financial services by section 22 of the debt management act, 1975 PA 148, MCL of Act No. 148 of the Public Acts of 1975, being S451.432 of the Michigan Compiled Laws)


R 451.1221 Definitions.

Rule 1. As used in these rules:


(b) “Certified counselor” means that term as defined in section 2(b) of the act, MCL 451.412.

(c) “Department” means the department of insurance and financial services.

(d) "Firm" means a debt management licensee or exempt person.

(e) "Monthly amortizable amount" means the payment made in equal monthly amounts, extinguishing the fees and charges stated in the contract, less the $25.00 $50.00 initial fee. No more than 1 monthly fee may be taken in any calendar month.

(f) "Qualified person" means a person who has successfully completed the examination required by section 6(3) of the act.

(ee) "Rate" means the percentage of a firm's fees or charges in relation to the debt to be liquidated during the life of the contract.

(f) "Trainee" means a person who has not successfully completed the qualification examination provided by section 6(3) of the act.
R 451.1222 Application for license or exemption order; renewal application.

Rule 2. (1) The application for license or exemption order shall must be on the form prescribed by the bureau department.

(2) The application shall must be accompanied by the financial statements of the applicant for its last fiscal year and as of a date not more than 45 days prior to the filing.

(3) Financial statements, for the purposes of this rule, shall must include a balance sheet and income statement prepared in accordance with generally accepted accounting principles.

(4) Payment of fees shall must be made by a check payable to the "State of Michigan."

(5) The original application shall must be accompanied by a business history form, 3 affidavits of character, and a fingerprint card for each officer and director of an association or corporation, for each partner if a partnership, for each member if a limited liability company, and for each proprietor, counselor, and officer manager. A credit report on the firm shall must also be submitted.

(6) A firm that has operated without interruption during the past year under a license or exemption order pursuant to section 4(2) of the act, MCL 451.414, may file a renewal application on the form prescribed by the bureau department.

(7) The application shall must request a license or exemption order for each location from which the business of debt management is conducted.

(8) In the event of a change of business form, a new application shall must be filed prior to the effective date of the change. The application shall must include payment of a new fee as on renewal application.

(9) The bureau department shall not accept for filing an application with a name that would cause confusion with the name of an existing firm or governmental agency or cause confusion about services to be received from a licensee.

R 451.1223 Amended application.

Rule 3. (1) A proposed change of name of a firm shall must be filed with the bureau department for approval prior to effecting the change. The bureau department shall not accept a name change that would be confusing with the name of an existing firm or governmental agency, or cause confusion about services to be received from a licensee. An amended application shall must be filed contemporaneously with the name change.

(2) A firm shall file an amended application with the bureau department within 5 days of the occurrence of any of the following:

(a) If a firm is a corporation, a change in its officers or directors.

(b) If a firm is a partnership, a change in its members partners.

(c) If a firm is a sole proprietorship, a change in ownership.

(d) If a firm is a limited liability company, a change in its members.

(de) Conviction of an officer, director, partner, member, or sole proprietor of the firm of a felony or misdemeanor involving moral turpitude.

(ef) Insolvency, filing in bankruptcy, receivership, or assignment for the benefit of creditors of the licensee.

(3) If a firm transfers its debt management business to another office at a different address, its license shall be deemed to apply applies to its new office only if the following requirements are met:

(a) The bureau department amends its application to reflect the effective date of the transfer.

(b) The firm ceases to conduct debt management business at the old address on the date indicated, and has notified its clients of the change of address not less than 5 days prior to the change.

(c) The surety company has notified the bureau department that the bond furnished pursuant to the act shall apply applies in full force and effect to the new office after the date of the transfer.
(d) The firm has submitted its license certificate or order to the bureau department for reissuance to cover the new office, and the license or order has been so reissued.

(4) The firm shall promptly file an amended application upon the occurrence of any material event affecting the accuracy of the information contained in the current application.

(5) When the partnership agreement of a firm provides for the substitution, withdrawal, or addition of members partners of the partnership without winding up the partnership business, it shall not be necessary to obtain a new license or exemption order because of substitutions, withdrawals, or additions if evidence satisfactory to the bureau department is furnished as to the following:
   (a) That the surety bond furnished pursuant to the act shall continue in full force and effect.
   (b) The financial responsibility, experience, character, and general fitness of new members partners. The licensee shall furnish an executed business history form, 3 affidavits of character, and a fingerprint card for each new partner.
   (c) That the withdrawal or substitution of new partners will not render the partnership insolvent.
   (d) That at least 2/3 in number and interest of those who were partners when the license was applied for and issued are continuing as members partners of the partnership, or that 1 of the original partners remains in a 2-person partnership and a new partner is added simultaneously with the departure of original partner.

(6) A change in the ownership of a sole proprietorship firm shall operate to terminate the license and require the filing of a new application and the issuance of a new license before continuance of the debt management business.

(7) If the firm seeks to open an additional branch office, it shall amend its current application to reflect the address of the additional office and the name of the office manager. The licensee or exempted person shall file the appropriate forms with the bureau department and pay the statutory fee.

R 451.1225 Bond; cash or securities in lieu of bond. Notice of termination of bond.
   Rule 5. (1) Bond coverage in the penal amount of $5,000.00 for each office shall be filed with an original or a renewal application. An extension of an existing bond shall not be acceptable.
   (2) If a surety company gives 30 days’ notice of termination of a bond, the firm, if continuing in the debt management business, shall furnish a satisfactory new bond before the expiration of the 30 days. Failure to maintain a bond shall be cause for issuance of a summary suspension order.
   (3) In lieu of bond, the bureau may approve for a firm which maintains net worth of at least $10,000.00 for each licensed or exempted office the following:
      (a) A deposit of cash in a certificate of deposit or savings account, which may be withdrawn only upon order of the bureau.
      (b) A deposit in escrow at a Michigan-based bank or savings and loan association of securities which have sufficient trading volume to assure immediate liquidity, which securities may only be removed from escrow upon order of the bureau and over which the bureau is given a stock power. The bureau shall assess a discount of 25% of the market value of the securities in determining the appropriate amount of deposit.
      (c) The amount of deposit of cash or securities in lieu of bond and the duration of the deposit shall be determined by, but not be limited to, the following:
         (i) The financial condition of the applicant.
         (ii) The liabilities of the applicant.
         (iii) The number of debtors assisted by the applicant.
         (iv) The current asset position of the applicant.
         (v) The existence of appropriate fidelity bond.
(vi) The number of employees of the firm.

R 451.1226 Debt management contract; budget analysis format; creditors agreement form.

Rule 6. (1) The applicant shall file a copy of its proposed debt management contract for debtors at the time of filing its application for review and acceptance by the bureau department. The contract or revised contract shall not be used without bureau review and letter of acceptance.

(2) The applicant shall file a copy of its proposed budget analysis format with the bureau department. This format, as accepted by the bureau, shall be completed for each debtor prior to entry into any contract with the debtor. The format shall contain not less than the following information:
   (a) Name and address of the debtor.
   (b) Marital status and number of dependents.
   (c) All wages, salary, and other income, as well as the source thereof, which shall include, but not be limited to, aid to dependent children, food stamps, welfare, or child support.
   (d) Number of exemptions claimed for federal income tax withholding.
   (e) Payroll deductions and net take-home pay.
   (f) If the debtor is the owner of a home, any encumbrance, tax not included in monthly payment, and monthly payment on the home; if a tenant, monthly rent.
   (g) Amount and kind of other fixed periodic payments.
   (h) Complete list of living expenses for food, clothing, utilities, auto, insurance, and other expenses.
   (i) List of creditors, showing accounts to be adjusted and accounts not to be adjusted.
   (j) Information on any existing garnishments and judgments.

   (3) A true copy of the budget analysis shall must be provided to each debtor before a contract is signed.

(4) The applicant shall file a copy of its proposed creditor's agreement form with the bureau department. This form shall be accepted as to form and content by the bureau prior to use.

R 451.1227 Books and records.

Rule 7. The firm shall make and keep current the following books and records relating to its business:

(a) Journals or other records of original entry containing an itemized daily record of all payments and receipts for, or on behalf of, debtors of the firm, all receipts and disbursements of cash, and all other debits and credits.

(b) Ledgers or other records reflecting all assets, liabilities, income, expense, and capital accounts.

(c) Ledger accounts or other records, itemizing separately as to each debtor all receipts from the debtor, payments to the firm, and disbursements on behalf of the debtor, the creditor's representative contacted, the response obtained or whether there has been a response within 14 days after the mailing of the creditor consent form, any revised or special conditions or arrangements conditioning the consent, and the date at which the required consents were secured. The record shall also contain a certification by an officer, partner, sole proprietor, or office manager that consents required by section 13(1) of the act have been obtained, the date that the requirement was satisfied, and an identification of the creditors constituting the acceptance base.

(d) A complaint file containing copies of all written complaints made to the firm by debtors.
(e) Personnel files for all employees, listing name, current home address, home phone number, social security number, and a record of all compensation.

R 451.1228 Financial reports; audit.

Rule 8. (1) Each firm shall submit a detailed balance sheet and income statement within 4 months after the end of its fiscal year. The bureau may modify or waive the income statement requirement. These statements, if not pursuant to audit, shall be certified as to correctness by an officer, partner, or proprietor of the firm. If the firm is a sole proprietorship, a personal balance sheet of the proprietor shall be submitted with, and as of the same date as, the balance sheet of the firm.

(2) The bureau department may at any time require the filing of special financial or other operational reports if it finds that such filing is in the public interest and for the protection of debtors.

(3) If a firm services more than 100 debtors, an audit shall be required of the firm annually. The audit shall be done pursuant to an approved audit plan submitted by an independent accountant and accepted by the bureau department in writing.

R 451.1229 Incomplete applications. Rescinded.

Rule 9. If an applicant fails to complete, or, if an applicant withdraws, an application within 6 months from the date of filing, the administrator may summarily deny the application as an inactive filing without prejudice to reapplication.

R 451.1231 Qualifications of applicant; examination; trainees; fee; terms of qualified person; termination of employment. Rescinded.

Rule 11. (1) An applicant for a license or exemption order shall demonstrate education or experience sufficient to provide understanding of laws governing debtor-creditor relationships, business transactions, the debt management act, the rules promulgated pursuant thereto, and an understanding of accounting procedures by the successful completion of an examination administered by the bureau or its designee.

(2) Each officer, partner, or proprietor of an applicant, each person serving in a managerial capacity involving counseling, and each individual counselor to be employed by an applicant shall take and pass an examination administered by the bureau or its designee pursuant to section 6(e) of the act.

(3) Trainees may not serve as office managers, and shall be under the complete supervision of a person who has successfully completed the examination or a person exempted by section 7 of the act.

(4) All persons not exempted from the examination provisions of the act pursuant to section 7 shall successfully complete the examination not later than January 1, 1978.

(5) A nonrefundable fee of $25.00 shall be assessed for each examination.

(6) A qualified person may be transferred from one firm to another, if both of the following apply:

(a) Prior to transfer, the qualified person terminates the employment with the original firm, and that firm and the person file a notice of termination on the form prescribed by the bureau.

(b) The new firm and the person transferring file a notice of employment on the form prescribed by the bureau.

(7) A firm or person shall not refuse to sign a termination form when requested.

(8) If a qualified person's employment is terminated, the employing firm and the person shall file a notice of termination on the form prescribed by the bureau within 7 days of the termination.
(9) If a qualified person has not been employed by a firm for the past 12 months, that person must retake and successfully complete the examination prior to conducting a scheduling, counseling, or budget analysis function, except as a trainee under the direct supervision of a qualified person.


Rule 12. A person exempt from the examination requirement of section 6(3) of the act by section 7 of the act shall not be required to complete an examination because of a change in the business form of the firm if there is no interruption of the services provided by the firm.

R 451.1233 Renewal applications.

Rule 13. Renewal applications shall be filed with the central bureau office department by December 1 of each year. Failure to file by that date will result in summary suspension until the application is received the expiration of the license or order.

R 451.1234 Dishonest or unethical business conduct.

Rule 14. Dishonest or unethical business conduct, as provided in section 9 of the act, MCL 451.419, includes, but is not limited to, the following:

(a) Failure to promptly refund a debtor’s money upon written cancellation of a contract.
(b) Borrowing money from a debtor.
(c) Giving preference to creditors for the convenience or benefit of the firm rather than the primary benefit of the debtor.
(d) Receiving money from the debtor, except as provided in the contract with the debtor, which contract has been accepted as to form and content by the bureau department.
(e) Failing to promptly record on the books of the firm any transaction involving funds of the debtor.
(f) Paying funds of a debtor to a fictitious creditor.
(g) Accepting a rebate, kickback, or other remuneration for payment of a debtor’s obligations, except under a plan approved by the bureau department and fully disclosed to the debtor.
(h) Using debtors’ funds as compensating balances for loans.
(i) Making erasures or changes on the portion of the client account card used for recording payments received from the debtor, on checks issued to creditors, on fees taken, or on the dates of such entries. If a correction is needed, the error shall have 1 line drawn through it and be initialed by a qualified person or an individual authorized by the licensee who did not make the correction or change. All entries should be made with ink, shall be typewritten, or shall be made by other machine entry.

R 451.1235 Posting statutory provision, address, and phone number; filing fee schedule and amendments thereto.

Rule 15. (1) The firm shall prominently post at all offices, in not less than 8-point type, each business location and website the provisions of sections 13(1), 14(1), and 18 of the act, MCL 451.423, 451.424, and 451.328, as well as the address and phone number of the bureau department.

(2) The firm shall annually file with the bureau department its fee schedule or a schedule of its range of fees, and shall file amendments to that schedule 5 days prior to any change in fees charged to the debtor.
R 451.1236 Employment qualifications.

Rule 16. Except as approved by the administrator, a firm shall not knowingly employ as an office manager or counselor a person, except as approved by the administrator, as an office manager or counselor who has done any of the following:
(a) Been convicted of a crime involving moral turpitude, which shall include forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud, or any other like offense.
(b) Violated or failed to comply with a provision of the act, or a rule or order promulgated or issued pursuant to the act.
(c) Had a license to engage in the business of debt management revoked or suspended in this state or another state for any reason other than failure to pay licensing fees.
(d) Defaulted in the payment of money collected for others, including the discharge of debts, because of bankruptcy proceedings. The director of the department may, at his or her discretion, waive this restriction if provided with evidence of justifiable cause for the bankruptcy, plus convincing evidence of the fitness of the bankrupt party to carry out his or her functions under the act.

R 451.1237 Procedures; review; verification of receipts and disbursements.

Rule 17. (1) Each firm shall prepare and maintain a manual detailing the procedures for compliance with the act.
(2) Each qualified person certified counselor or trainee of the firm shall be provided with the manual.
(3) An officer, partner, or sole proprietor, or a person under the direct supervision of such a person, shall review the following at least quarterly:
(a) Debtors' accounts.
(b) Checks paid by the firm.
(c) Procedures for handling cash and checks of the firm.
(d) The firm complaint file.
(e) Selected creditor accounts to verify payment.
(f) Selected counselor records and work papers of each counselor to verify the accuracy of counselor guidance to the debtor.
(4) At least annually, the firm or its accountant shall verify the receipts and disbursements with the debtor.

R 451.1238 License.

Rule 18. (1) A license shall must be issued for each main office and branch office rendering debt management service.
(2) Whenever a licensee or exempt person discontinues the business of debt management, whether totally or at a specific location, the license certificate, or exemption order, shall must be mailed to the bureau's central office department within 5 days. An explanation of the reason for discontinuance, a statement of any amounts remaining in the client trust account, and the plan and timetable for disbursement shall must accompany the license certificate, or exemption order, unless all accounts are transferred, without interruption in service, to another of the firm's branches.
(3) A license shall not be terminated for a firm unless it is revoked or unless all payments due creditors or debtors have been made, and the bureau department issues an order terminating the license.

R 451.1239 Budget analysis.
Rule 19. (1) A copy of the budget analysis shall be retained in the debtor's file for a period of 6 years after the last transaction.
(2) The budget analysis shall be signed by a qualified person certified counselor of the firm who participated in the preparation of the analysis.

R 451.1240 Certification of compliance.
Rule 20. (1) Every contract between a licensee or exempted person and the debtor shall be signed by both parties, and the debtor's copy shall also be manually executed. The copy retained by the licensee or exempted person shall be kept in the debtor's file for 6 years after the date of the last transaction.
(2) Every contract shall specify in detail the amount and method of taking any fees or charges which the debtor shall be assessed during the life of the contract.
(3) Every contract shall set forth, in bold type, the set-up and cancellation fee provisions and amounts, and advise the prospective client to note these carefully before signing the contract.
(4) The bureau department may approve the accumulation of debtor's funds in payment of obligations which are required to be paid in large lump sums, such as income and property taxes, insurance premiums, and house payments. All such accumulations, however, shall be designated for a specific purpose and shall not be used to pay for fees and charges, including the close out fee of the firm.

R 451.1241 Reconciliation.
Rule 21. (1) The trust account reconciliation shall contain provisions for recording and identifying the balance in each debtor's account, the balance from the bank statement, the check number and amount of each outstanding check, the date and amount of deposits not yet credited by the bank, the reconciled bank balance, the balance from the checkbook, and a detailed breakdown of any differences.
(2) Remedial action, as provided in section 15(45) of the act, MCL 451.425, shall be either an immediate replacement of funds, or an immediate cessation of business until sufficient funds are placed in the account.

R 451.1242 Receipt; statement of disbursements.
Rule 22. (1) A receipt, as provided in section 16(c) of the act, shall not be required for payments by check or money order made payable to the firm.
(2) The statement prepared in compliance with section 16(1)(e) of the act, MCL 451.426, shall be prepared as of a date no earlier than the date of the first full distribution to creditors under the contract.

R 451.1243 Separate remuneration prohibition; waiver or modification.
Rule 23. All requests for waiver or modification of the separate remuneration prohibition of section 19(h) of the act, MCL 451.429, shall must be made in writing to the central office of the bureau department, setting forth in detail the need for such waiver or modification; the persons or entities from which the benefit will be solicited or sought; the amount or percentage of contribution solicited from donors in the capacity of creditor for a debtor; any relationship, affiliation, or connection creating an actual or potential conflict of interest between the parties involved; and any reciprocal arrangements made or to be made. The bureau department shall examine the proposal promptly and shall, within 15 days, notify the licensee or exempted person of its decision, or of the necessity for additional information. All such decisions shall must be in writing and shall must give the effective date of the declaratory ruling.


R 451.1245 Charges for other services.

Rule 25. (1) A firm or affiliate thereof shall not charge a debtor for any services or goods, or make other charges, unless the firm or affiliate has filed with the bureau department a plan setting forth the basis of charges, and the bureau department has determined that such charges in the future do not result in an excessive fee in violation of section 18 of the act, MCL 451.428.

(2) If a firm or affiliate thereof proposes to alter its plan of charges, the amended plan shall must be filed with the bureau department and approved prior to use.
NOTICE OF PUBLIC HEARING

Department of Insurance and Financial Services
Financial Institutions
Administrative Rules for Debt Management
Rule Set 2019-32 IF

NOTICE OF PUBLIC HEARING
Wednesday, February 12, 2020
01:00 PM
Upper Level, Conference Room No. 6
611 W. Ottawa St., Lansing, Michigan

The Department of Insurance and Financial Services will hold a public hearing to receive public comments on proposed changes to the Debt Management rule set.

The proposed rules are being amended to reflect changes in the Debt Management Act, MCL 451, et seq. (DMA) by PA 362 of 2014, effective March 16, 2015. The proposed rules are intended to provide clarity to regulatory requirements set forth in the DMA. The proposed rule set eliminates obsolete terminology and regulatory requirements that conflict with the DMA while adding clarifying terminology and requirements. It will also provide regulated entities clarity with regard to implementing business practices to comply with the regulatory requirements set forth in the DMA.

This notice of public hearing is given in accordance with Sections 41 and 42 of the Administrative Procedures Act, MCL 24.241 and 24.242. These rules are promulgated pursuant to authority conferred on the Director of DIFS by Section 22 of the Debt Management Act, MCL 451.432. These rules will take effect immediately after filing with the Secretary of State. The rules are published on the Michigan Government web site at http://www.michigan.gov/moahr and in the Michigan Register in the 1/15/2020 issue. Copies of the draft rules may also be obtained by mail or electronic transmission at the following address:

Department of Insurance and Financial Services
Financial Institutions
Michele Estrada
Department of Insurance and Financial Services, Office of Research, Rules, and Appeals, P.O. Box 30220, Lansing, MI 48909-7720
Email: EstradaM1@michigan.gov

Comments on the rules may be made in person at the hearing or by mail or electronic mail until 2/12/2020 at 05:00PM.

The public hearing will be conducted in compliance with the 1990 Americans with Disabilities Act, in accessible buildings with handicap parking available. Anyone needing assistance to take part in the hearings due to disability may call 517-284-8735 to make arrangements.
These rules take effect 7 days after filing with the secretary of state.

(By authority conferred on the department of environmental, Great Lakes, and energy quality by section 5 of the safe drinking water act, 1976 PA 399, MCL 325.1005)

R 325.10107, R 325.10116, R 325.10308b, R 325.10313, R 325.10401a, R 325.10405, and R 325.12701 of the Michigan Administrative Code are amended, and R 325.10604g, R 325.10717d, R 325.12708, and R 325.12710 are added, as follows:

PART 1. GENERAL PROVISIONS

R 325.10107 Definitions; P, R.

Rule 107. As used in these rules:

(a) "Permit" means a public water supply construction permit that is issued to a supplier of water by the department under section 4 of the act, MCL 325.1004.

(b) "Person" means an individual, partnership, copartnership, cooperative, firm, company, public or private association or corporation, political subdivision, agency of the state, agency of the federal government, trust, estate, joint structure company, or any other legal entity, or their legal representative, agent, or assignee.

(c) "PFAS" means per- and polyfluoroalkyl substances.

(e)(d) "Pitless adapter" means a device or assembly of parts which permits water to pass through the wall of a well casing or extension of a well casing and provides access to the well and to the parts of the system within the well in a manner that prevents the entrance of contaminants into the well and the water produced.

(d)(e) "Plans and specifications" means drawings, data, and a true description or representation of an entire waterworks system or parts of the system as it exists or is to be constructed, and a statement of how a waterworks system shall be operated.

(e)(f) "Plant intake" means the works or structures at the head of a conduit through which water is diverted from a source, for example, river or lake, into the treatment plant.

(f)(g) "Point-of-entry treatment device (POE)" means a treatment device applied to the drinking water entering a house or building for the purpose of reducing contaminants in the drinking water distributed throughout the house or building.

(g)(h) "Point-of-use treatment devise (POU)" means a treatment device applied to a single tap used for the purpose of reducing contaminants in drinking water at that 1 tap.

(h)(i) "Political subdivision" means a city, village, township, charter township, county, district, authority, or portion or combination of any of the entities specified in this subdivision.
(i) "PQL" means the practical quantitation levels. The PQL is the lowest concentration that can be reliably achieved by well-operated laboratories within specified limits of precision and accuracy during routine laboratory operating conditions.

(j) "Presedimentation" means a preliminary treatment process used to remove gravel, sand, and other particulate material from the source water through settling before the water enters the primary clarification and filtration processes in a treatment plant.

(k) "Production well" means a well that has been approved for use for a public water supply in accordance with the provisions of part 8 of these rules.

(l) "Public hearing" means a hearing which seeks public input relevant to such functions and responsibilities.

(m) "Public water supply" or "public water system" means a waterworks system that provides water for drinking or household purposes to persons other than the supplier of the water, and does not include either of the following:

(i) A waterworks system that supplies water to only 1 living unit.

(ii) A waterworks system that consists solely of customer site piping.

(o) "Pumping water level" means the distance measured from an established datum at or above ground level to the water surface in a well being pumped at a known rate for a known period of time.

(p) "Rated treatment capacity" means 1 or any combination of the following capacities when water treatment is practiced:

(i) Rated capacity from an approved surface water supply, ground water supply under the direct influence of surface water, or complete treatment system as contained in R 325.11006.

(ii) Firm capacity from an approved ground water supply where firm capacity means the production capability of each respective component of the waterworks system with the largest well, pump, or treatment unit out of service.

(iii) Available capacity obtained under contract and capable of delivery from another approved public water supply.

(q) "Raw water" means water that is obtained from a source by a public water supply before the public water supply provides any treatment or distributes the water to its customers.

(r) "Regional administrator" means the EPA region V administrator.

(s) "Regulated VOCs" means a group of volatile organic chemicals for which state drinking water standards have been promulgated but does not include total trihalomethanes.

(t) "Removed from service" means physically disconnected from the waterworks system in a manner that would prevent the inadvertent use of the well and would require specific authorization from the public water supply to reconnect.

(u) "Repeat sample" means a sample that is collected and analyzed in response to a previous coliform-positive sample.

(v) "Resident" means an individual who owns or occupies a living unit.

(w) "Routine sample" means a water sample that is collected and analyzed to meet the monitoring requirements for total coliform, as outlined in the written sampling plan.

R 325.10116 Addresses.

Rule 116. The following are addresses and contact information of the department and other organizations referred to in these rules:

(a) Department of Environment, Great Lakes, and Energy, Office of Drinking Water and Municipal Assistance, Environmental Health Division, 525 West Allegan Street,
PART 3. VARIANCES, EXEMPTIONS, AND TREATMENT TECHNOLOGIES

R 325.10308b Best available technology.

Rule 308b. (1) The department identifies the following as the best technology, treatment technique, or other means generally available for achieving compliance with the MCL:

(a) For organic contaminants in R 325.10604b and, R325.10604d, and R 325.10604g the best available technologies, treatment techniques, or other means available for achieving compliance with the MCLs are granular activated carbon (GAC), packed tower aeration (PTA), or oxidation (OX), as listed in table 1 of this rule.

Table 1  Best available technologies for organic contaminants

<table>
<thead>
<tr>
<th>Contaminant</th>
<th>GAC</th>
<th>PTA</th>
<th>OX</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alachlor</td>
<td>x</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Aldicarb</td>
<td></td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>Aldicarb sulfone</td>
<td>x</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Aldicarb sulfoxide</td>
<td>x</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Atrazine</td>
<td></td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>Benzene</td>
<td>x</td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>Benzo(a)pyrene</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Carbofuran</td>
<td>x</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Carbon tetrachloride</td>
<td></td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>Chlordane</td>
<td>x</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dalapon</td>
<td>x</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2,4 D</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Di (2 ethylhexyl)adipate</td>
<td>x</td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>Di (2 ethylhexyl)phthalate</td>
<td>x</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dibromochloropropane (DBCP)</td>
<td></td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>o Dichlorobenzene</td>
<td>x</td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>para Dichlorobenzene</td>
<td>x</td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>1,2 Dichloroethane</td>
<td>x</td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>1,1 Dichloroethylene</td>
<td></td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>cis 1,2 Dichloroethylene</td>
<td></td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>trans 1,2 Dichloroethylene</td>
<td></td>
<td>x</td>
<td></td>
</tr>
</tbody>
</table>
### Contaminant GAC PTA OX

<table>
<thead>
<tr>
<th>Contaminant</th>
<th>GAC</th>
<th>PTA</th>
<th>OX</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dichloromethane</td>
<td></td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>1,2 Dichloropropane</td>
<td>x</td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>Dinoseb</td>
<td></td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>Diquat</td>
<td></td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>Endothall</td>
<td></td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>Endrin</td>
<td></td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>Ethylbenzene</td>
<td></td>
<td>x</td>
<td>x</td>
</tr>
<tr>
<td>Ethylene Dibromide (EDB)</td>
<td>x</td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>Glyphosate</td>
<td></td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>Heptachlor</td>
<td></td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>Heptachlor epoxide</td>
<td></td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>Hexachlorobenzene</td>
<td></td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>Hexachlorocyclopentadiene</td>
<td>x</td>
<td></td>
<td>x</td>
</tr>
<tr>
<td><strong>Hexafluoropropylene oxide dimer acid (HFPO-DA)</strong></td>
<td>x&lt;sup&gt;1&lt;/sup&gt;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lindane</td>
<td></td>
<td>x</td>
<td></td>
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<tr>
<td>Methoxychlor</td>
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<td>x</td>
<td></td>
</tr>
<tr>
<td>Monochlorobenzene</td>
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<td>x</td>
</tr>
<tr>
<td>Oxamyl (Vydate)</td>
<td></td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>Pentachlorophenol</td>
<td></td>
<td>x</td>
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<tr>
<td><strong>Perfluorobutanesulfonic acid (PFBS)</strong></td>
<td>x&lt;sup&gt;1&lt;/sup&gt;</td>
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<tr>
<td><strong>Perfluorohexanesulfonic acid (PFHxS)</strong></td>
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</tr>
<tr>
<td><strong>Perfluorohexanoic acid (PFHxA)</strong></td>
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<tr>
<td><strong>Perflurononanoic acid (PFNA)</strong></td>
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<tr>
<td><strong>Perfluorooctanesulfonic acid (PFOS)</strong></td>
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<tr>
<td><strong>Perfluoroctanoic acid (PFOA)</strong></td>
<td>x&lt;sup&gt;1&lt;/sup&gt;</td>
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</tr>
<tr>
<td>Picloram</td>
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<td>x</td>
<td></td>
</tr>
<tr>
<td>Polychlorinated biphenyls(PCB)</td>
<td></td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>Simazine</td>
<td></td>
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<tr>
<td>Styrene</td>
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<td>x</td>
</tr>
<tr>
<td>2,3,7,8 TCDD (Dioxin)</td>
<td></td>
<td>x</td>
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</tr>
<tr>
<td>Tetrachloroethylene</td>
<td>x</td>
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<tr>
<td>Toluene</td>
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<tr>
<td>Toxaphene</td>
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<tr>
<td>2,4,5 TP (Silvex)</td>
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<td>x</td>
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<tr>
<td>1,2,4 Trichlorobenzene</td>
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<td>1,1,1 Trichloroethane</td>
<td>x</td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>1,1,2 Trichloroethane</td>
<td>x</td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>Trichloroethylene</td>
<td>x</td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>Vinyl chloride</td>
<td></td>
<td>x</td>
<td></td>
</tr>
<tr>
<td>Xylene</td>
<td>x</td>
<td></td>
<td>x</td>
</tr>
</tbody>
</table>

<sup>1</sup>Best available technology is GAC or an equally efficient technology.

(b) For inorganic contaminants in R 325.10604c, the best available technologies, treatment techniques, or other means available for achieving compliance with the MCLs are listed in table 2 of this rule. The affordable technology, treatment technique, or other means available to supplies serving
10,000 or fewer people for achieving compliance with the maximum contaminant level for arsenic are listed in table 3 of this rule.

### Table 2  Best available technologies for inorganic contaminants

<table>
<thead>
<tr>
<th>Chemical name</th>
<th>Best available technologies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Antimony</td>
<td>2,7</td>
</tr>
<tr>
<td>Arsenic</td>
<td>1,2, 5,6,7,9,11</td>
</tr>
<tr>
<td>Asbestos</td>
<td>2,3,8</td>
</tr>
<tr>
<td>Barium</td>
<td>5,6,7,9</td>
</tr>
<tr>
<td>Beryllium</td>
<td>1,2,5,6,7</td>
</tr>
<tr>
<td>Cadmium</td>
<td>2,5,6,7</td>
</tr>
<tr>
<td>Chromium</td>
<td>2,5,6^2,7</td>
</tr>
<tr>
<td>Cyanide</td>
<td>5,7,10</td>
</tr>
<tr>
<td>Mercury</td>
<td>2^1,4,6^1,7^1</td>
</tr>
<tr>
<td>Nickel</td>
<td>5,6,7</td>
</tr>
<tr>
<td>Nitrate</td>
<td>5,7,9</td>
</tr>
<tr>
<td>Nitrite</td>
<td>5,7</td>
</tr>
<tr>
<td>Selenium</td>
<td>1,2^3,6,7,9</td>
</tr>
<tr>
<td>Thallium</td>
<td>1,5</td>
</tr>
</tbody>
</table>

^1Best available technology only if influent Hg concentrations are 10 µg/l or less.

^2Best available technology for chromium III only.

^3Best available technology for selenium IV only.

^4BATs for Arsenic V. Pre-oxidation may be required to convert Arsenic III to Arsenic V.

^5To obtain high removals, iron to arsenic ratio shall must be at least 20:1.

Key to best available technologies in table:

1 = activated alumina
2 = coagulation/filtration (not BAT for supplies with fewer than 500 service connections)
3 = direct and diatomite filtration
4 = granular activated carbon
5 = ion exchange
6 = lime softening (not BAT for supplies than 500 service connections)
7 = reverse osmosis
8 = corrosion control
9 = electrodialysis
10 = alkaline chlorination (pH greater than or equal to 8.5)
11 = oxidation/filtration

Table 3  Small supplies compliance technologies (SSCTs) for arsenic

<table>
<thead>
<tr>
<th>Small supply compliance technology</th>
<th>Affordable for listed small supply categories.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Activated alumina (centralized)</td>
<td>All size categories.</td>
</tr>
<tr>
<td>Activated alumina (point-of-use)</td>
<td>All size categories.</td>
</tr>
<tr>
<td>Coagulation/filtration</td>
<td>501-3,300, 3,301-10,000.</td>
</tr>
<tr>
<td>Coagulation-assisted microfiltration</td>
<td>501-3,300, 3,301-10,000.</td>
</tr>
<tr>
<td>Electrodialysis reversal</td>
<td>501-3,300, 3,301-10,000.</td>
</tr>
<tr>
<td>Enhanced coagulation/filtration</td>
<td>All size categories.</td>
</tr>
<tr>
<td>Enhanced lime softening (pH more than 10.5)</td>
<td>All size categories.</td>
</tr>
<tr>
<td>Ion exchange</td>
<td>All size categories.</td>
</tr>
<tr>
<td>Lime softening</td>
<td>501-3,300, 3,301-10,000.</td>
</tr>
<tr>
<td>Oxidation/filtration</td>
<td>All size categories.</td>
</tr>
<tr>
<td>Reverse osmosis (centralized)</td>
<td>501-3,300, 3,301-10,000.</td>
</tr>
<tr>
<td>Reverse osmosis (point-of-use)</td>
<td>All size categories.</td>
</tr>
</tbody>
</table>

1 SSCTs for Arsenic V. Pre-oxidation may be required to convert Arsenic III to Arsenic V.

2 Three categories of small supplies are: (i) those serving 25 or more, but fewer than 501, (ii) those serving more than 500, but fewer than 3,301, and (iii) those serving more than 3,300, but fewer than 10,001.

3 POU shall not be used to obtain a variance.

4 To obtain high removals, iron to arsenic ratio shall be at least 20:1.

(c) For radionuclide contaminants in R 325.10603, the best available technologies, treatment techniques, or other means available for achieving compliance with the MCLs are listed in table 4 for all size supplies. The affordable technology, treatment technique, or other means available for achieving compliance with the maximum contaminant level are listed in table 5 for supplies serving 10,000 or fewer people as categorized in table 6.

Table 4  Best available technologies for radionuclide contaminants

<table>
<thead>
<tr>
<th>Contaminant</th>
<th>Best available technologies.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Combined radium 226 and radium 228</td>
<td>Ion exchange, reverse osmosis, lime softening.</td>
</tr>
<tr>
<td>Uranium</td>
<td>Ion exchange, reverse osmosis, lime softening, coagulation/filtration.</td>
</tr>
<tr>
<td>Gross alpha particle activity (excluding radon and uranium)</td>
<td>Reverse osmosis.</td>
</tr>
<tr>
<td>Beta particle and proton radioactivity</td>
<td>Ion exchange, reverse osmosis.</td>
</tr>
</tbody>
</table>

Table 5  List of small supplies compliance technologies for radionuclides and limitations to use

<table>
<thead>
<tr>
<th>Unit Technologies</th>
<th>Limitations (see footnotes)</th>
<th>Operator skill level required *</th>
<th>Raw water quality range and considerations.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Ion exchange</td>
<td>(a)</td>
<td>Intermediate</td>
<td>All ground waters.</td>
</tr>
<tr>
<td>2. Reverse osmosis</td>
<td>(b)</td>
<td>Advanced</td>
<td>Surface waters</td>
</tr>
<tr>
<td>(RO)</td>
<td>3. Lime softening</td>
<td>(c)</td>
<td>Advanced</td>
</tr>
<tr>
<td>------</td>
<td>------------------</td>
<td>-----</td>
<td>----------</td>
</tr>
<tr>
<td>4. Green sand filtration</td>
<td>(d)</td>
<td>Basic</td>
<td>All waters.</td>
</tr>
<tr>
<td>5. Co-precipitation and Barium sulfate</td>
<td>(e)</td>
<td>Intermediate to Advanced</td>
<td>Ground waters with suitable water quality.</td>
</tr>
<tr>
<td>6. Electrodialysis/electrodialysis reversal</td>
<td>Not applicable</td>
<td>Basic to intermediate</td>
<td>All ground waters.</td>
</tr>
<tr>
<td>7. Pre-formed hydrous Manganese oxide filtration.</td>
<td>(f)</td>
<td>Intermediate</td>
<td>All ground waters.</td>
</tr>
<tr>
<td>8. Activated alumina</td>
<td>(a), (g)</td>
<td>Advanced</td>
<td>All ground waters; competing anion concentrations may affect regeneration frequency.</td>
</tr>
</tbody>
</table>

* An operator with a basic skill level has minimal experience in the water treatment field and can perform the necessary system operation and monitoring if provided with proper instruction. The operator is capable of reading and following explicit directions. An operator with an intermediate skill level understands the principles of water treatment and has a knowledge of the regulatory framework. The operator is capable of making system changes in response to source water fluctuations. An operator with an advanced skill level possesses a thorough understanding of the principles of system operation. The operator is knowledgeable in water treatment and regulatory requirements. The operator may, however, have advanced knowledge of only the particular treatment technology. The operator seeks information, remains informed, and reliably interprets and responds to water fluctuations and system intricacies.

Limitations Footnotes: Technologies for Radionuclides:

a. The regeneration solution contains high concentrations of the contaminant ions. Disposal options must be carefully considered before choosing this technology.
b. Reject water disposal options must be carefully considered before choosing this technology.
c. The combination of variable source water quality and the complexity of the water chemistry involved may make this technology too complex for small surface water systems.
d. Removal efficiencies may vary depending on water quality.
e. This technology may be very limited in application to small systems. Since the process requires static mixing, detention basins, and filtration, it is most applicable to systems with sufficiently high sulfate levels that already have a suitable filtration treatment train in place.
f. This technology is most applicable to small systems that already have filtration in place.
g. Handling of chemicals required during regeneration and pH adjustment may be too difficult for small systems without an adequately trained operator.
h. Assumes modification to a coagulation/filtration process already in place.
Table 6 Compliance technologies by supply size category for radionuclide Requirements

<table>
<thead>
<tr>
<th>Contaminant</th>
<th>Compliance technologies* for supply size categories (population served)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>25-500</td>
</tr>
<tr>
<td>1. Combined radium 226 and radium 228</td>
<td>1, 2, 3, 4, 5, 6, 7</td>
</tr>
<tr>
<td>2. Gross alpha particle activity</td>
<td>2</td>
</tr>
<tr>
<td>3. Beta particle activity and photon activity</td>
<td>1, 2</td>
</tr>
<tr>
<td>4. Uranium</td>
<td>1, 8, 9</td>
</tr>
</tbody>
</table>

* Numbers correspond to those technologies listed in Table 5 of this rule.

(2) The department shall require community water supplies and nontransient, noncommunity water supplies to employ a treatment method identified in subrule (1) of this rule as a condition for granting a variance, except as provided in subrule (3) of this rule. If, after the treatment method is installed in the system, the supply cannot meet the MCL, then the supply shall be eligible for a variance under this part and section 20 of the act, MCL 325.1020.

(3) If a supply demonstrates through comprehensive engineering assessments, which may include pilot plant studies, that the treatment methods identified in subrule (1) of this rule may only achieve a de minimis reduction in contaminants, then the department may issue a schedule of compliance that requires the supply being granted the variance to examine other treatment methods as a condition of obtaining the variance.

(4) If the department determines that a treatment method identified in subrule (3) of this rule is technically feasible, then the department may require the supply to use that treatment method in connection with a compliance schedule issued under section 20 of the act, MCL 325.1020. The department's determination must be based on studies by the supply and other relevant information.

(5) The department may require a community or noncommunity supply to use point-of-use devices, point-of-entry devices, or other means as a condition of granting a variance or an exemption from the requirements of R 325.10603, R 325.10604b, R 325.10604c, or R 325.10604d, or R325.10604g to avoid an unreasonable risk to health. The department may require a public water supply to use point-of-use devices or other means, but not point-of-entry devices, as a condition for granting an exemption from corrosion control treatment requirements for lead and copper in R 325.10604f(2) and (3) to avoid an unreasonable risk to health. The department may require a public water supply to use point-of-entry devices as a condition for granting an exemption from the source water and lead service line replacement requirements for lead and copper under R 325.10604f(4) and (5) to avoid an unreasonable risk to health, provided the supply demonstrates that the device will not cause an increased corrosion of lead and copper bearing materials located between the device and the tap that may increase contaminant levels at the tap.

(6) Community or noncommunity water supplies that use point-of-use or point-of-entry devices under this rule shall meet the conditions in R 325.10313.

R 325.10313 Criteria for water supplies using POE, or POU, or both.
Rule 313. (1) Community and noncommunity water supplies shall not use point-of-use devices (POU) or point-of-entry devices (POE) except as required by the department under R 325.10308b or under all of the following provisions with department approval:

(a) Community water supplies may use POE to comply with the maximum contaminant level or treatment technique for organic, inorganic, and radiological contaminants.

(b) Noncommunity water supplies may use POU, or POE, or both, to comply with maximum contaminant levels or treatment techniques for organic and inorganic contaminants.

(c) An alternative source of water that meets state drinking water standards is not available.

(2) Supplies that use POU or POE, or both, shall meet all of the following requirements:

(a) The supply shall operate and maintain the POU, or POE, or both.

(b) Before POU, or POE, or both, are installed, the supply shall obtain department approval of a monitoring plan that ensures that the devices provide health protection equivalent to that provided by central water treatment. If the POU, or POE, or both, are being used to comply with maximum contaminant levels or treatment techniques, then "equivalent" means that the water shall must meet all state drinking water standards and shall must be of acceptable quality similar to water distributed by a well-operated central treatment plant. At a minimum, the monitoring plan shall must include all of the following:

(i) Contaminants and parameters to be analyzed.

(ii) Physical measurements and observations, such as total flow treated and mechanical condition of the treatment equipment.

(iii) Location of sampling sites.

(iv) Frequency of sampling. Approximately 10% of the treatment units shall must be sampled at regular intervals so that all the POE or POU are monitored at least as frequently as required in part 7 for a particular contaminant. For example, for a contaminant that is required to be sampled every 3 years, 10% of the POE or POU shall must be monitored quarterly so that in 3 years time all of the POE or POU have been monitored. The department may approve an alternate frequency that better represents the rate of degradation of the POE or POU.

(c) Before POU, or POE, or both, are installed, the supply shall obtain department approval of a technology plan that ensures that effective technology is applied and that the microbiological safety of the water is maintained at all times. At a minimum, the technology plan shall must include all of the following:

(i) The POU, or POE, or both, shall must be equipped with mechanical warnings to ensure that customers are automatically notified of operational problems.

(ii) If a specific type of POU or POE has been independently certified to comply with the maximum contaminant level or treatment technique in accordance with the American National Standards Institute/National Sanitation Foundation standards 44, 53, 58, or 62, as adopted by reference in R 325.10112, then individual units of that type shall must be used to comply with the maximum contaminant level or treatment technique. A supply may use an alternate type of POU or POE if the supply demonstrates to the department, using pilot plant studies or other means, that the alternative POU or POE consistently complies with the maximum contaminant level or treatment technique and the department approves the use of the POU or POE.

(iii) The design and application of the POU, or POE, or both, shall must consider the potential for increasing concentrations of heterotrophic bacteria in water treated with activated carbon. Frequent backwashing, post-contactor disinfection, and heterotrophic plate count monitoring may ensure that the microbiological safety of the water is not compromised.

(d) The supply shall demonstrate that buildings connected to the system have sufficient POU, or POE, or both, that are properly installed, maintained, and monitored such that all of customers shall be are protected.
(e) If the POU, or POE, or both, are used to meet an MCL or treatment technique, then the supply shall replace or repair the POU or POE when the contaminant for which the device is intended to control is above the maximum contaminant level in a confirmed sample.

(3) Compliance with the maximum contaminant level shall must be determined based on the analytical results obtained at each POU or POE, also known as the "sampling point". The compliance determination shall must be made under R 325.10604b(2) for volatile organic contaminants, R 325.10604c(2) for inorganic contaminants, or R 325.10604d(2) for synthetic organic chemicals, or R 325.10604g(2) for per- and polyfluoroalkyl substances.

(4) Supplies that violate the MCL shall notify the department under part 7 of these rules and shall notify the public under part 4 of these rules. The supply may limit the distribution of the public notice to only persons served by the POU or POE that is out of compliance.

PART 4. PUBLIC NOTIFICATION AND PUBLIC EDUCATION

R 325.10401a General public notification requirements.

Rule 401a. (1) Each community water supply, nontransient noncommunity water supply, or transient noncommunity water supply shall give notice for violations of the maximum contaminant level (MCL), maximum residual disinfection level (MRDL), treatment technique (TT), monitoring requirements, testing procedures in these rules, and for other situations, as listed in the following provisions:

(a) Violations and other situations requiring public notice, including all of the following:

(i) Failure to comply with an applicable maximum contaminant level (MCL) or maximum residual disinfectant level (MRDL).

(ii) Failure to comply with a prescribed treatment technique (TT).

(iii) Failure to perform water quality monitoring, as required by part 7 of these rules.

(iv) Failure to comply with testing procedures as prescribed by part 6 of these rules.

(b) Variance and exemptions under part 3 of these rules, including both of the following:

(i) Operation under a variance or an exemption.

(ii) Failure to comply with the requirements of a schedule that has been set under a variance or exemption.

(c) Special public notices, including all of the following:

(i) Occurrence of a waterborne disease outbreak or other waterborne emergency.

(ii) Exceedance of the nitrate MCL by noncommunity water supplies, where granted permission by the department.

(iii) Fluoride level above 2.0 mg/l as specified in R 325.10408a.

(iv) Availability of unregulated contaminant monitoring data.

(v) Other violations and situations which that are determined by the department to require a public notice under this part and which that are not already listed in table 1 of this rule. The tier assignment for each specific violation or situation requiring a public notice is identified in table 1 of this rule.

Community and noncommunity water supplies are also considered "water supplies" or "supplies" in this rule, R 325.10402 to R 325.10407, and R 325.10408a to R 325.10409.

(2) Public notice requirements are divided into 3 tiers to take into account the seriousness of the violation or situation and of the potential adverse health effects that may be involved. The public notice requirements for each violation or situation listed in subrule (1) of this rule are determined by the tier to which the violation or situation is assigned. The definition of each tier is provided in the following provisions:

(a) Tier 1 public notice is required for violations and situations that have significant potential to have serious adverse effects on human health as a result of short term exposure.
(b) Tier 2 public notice is required for all other violations and situations that have potential to have serious adverse effects on human health.

(c) Tier 3 public notice is required for all other violations and situations not included in tier 1 and tier 2. The tier assignment for each specific violation or situation is identified in table 1 of this rule.

(3) Supplies shall provide public notice to the following:

(a) Each supply shall provide public notice to persons served by the supply as specified in this part. Supplies that sell or otherwise provide drinking water to other public water supplies, such as to consecutive supplies, shall give public notice to the consecutive supply. The consecutive supply shall provide public notice to the persons it serves.

(b) If a public water supply has a violation in a portion of the distribution system that is physically or hydraulically isolated from other parts of the distribution system, then the department may grant permission, which shall be in writing, to the supply to limit distribution of the public notice to only persons served by that portion of the system which is out of compliance. To be considered physically separated, the supply shall show that the affected portion of the distribution system is separated from other parts of the distribution system with no interconnections. To be considered hydraulically separated, the supply shall show that the design of the distribution system or the system operation, or both, created a situation where water in the affected portion is effectively isolated from the water in all other parts of the distribution system because of projected water flow patterns and water pressure zones.

(4) The supply, within 10 days of completing the public notification requirements under this part for the initial public notice and applicable repeat notices, shall submit to the department a certification that it fully complied with the public notification regulations. The supply shall include with this certification a representative copy of each type of notice distributed, published, posted, and made available to the persons served by the supply and to the media.

<table>
<thead>
<tr>
<th>Table 1 Violations and other situations requiring public notice</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Contaminant</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Total coliform until March 31, 2016</td>
</tr>
<tr>
<td>Total coliform (TT violations resulting from failure to perform assessments or corrective actions, monitoring violations, and reporting violations) beginning April 1, 2016</td>
</tr>
<tr>
<td>Contaminant</td>
</tr>
<tr>
<td>----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Tier of public notice required</td>
</tr>
<tr>
<td>Seasonal supply failure to follow department-approved start-up plan before serving water to the public or failure to provide certification to the department beginning April 1, 2016</td>
</tr>
<tr>
<td>Fecal coliform/E. coli until March 31, 2016</td>
</tr>
<tr>
<td>E. coli (MCL, monitoring, and reporting violations) beginning April 1, 2016</td>
</tr>
<tr>
<td>E. coli (TT violations resulting from failure to perform level 2 assessments or corrective action) beginning April 1, 2016</td>
</tr>
<tr>
<td>Turbidity (for TT violations resulting from a single exceedance of maximum allowable turbidity level)</td>
</tr>
<tr>
<td>Violations, other than violations resulting from single exceedance of max. allowable turbidity level (TT)</td>
</tr>
<tr>
<td>Violations of disinfection profiling and benchmarking</td>
</tr>
<tr>
<td>Violations of filter backwash recycling provisions</td>
</tr>
<tr>
<td>Contaminant</td>
</tr>
<tr>
<td>------------</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Violations of enhanced treatment for cryptosporidium</td>
</tr>
<tr>
<td>Violations of rules for ground water supplies subject to R 325.10612</td>
</tr>
<tr>
<td>B. Inorganic chemicals (IOC)</td>
</tr>
<tr>
<td>Antimony</td>
</tr>
<tr>
<td>Arsenic</td>
</tr>
<tr>
<td>Asbestos (fibers longer than 10 µm)</td>
</tr>
<tr>
<td>Barium</td>
</tr>
<tr>
<td>Beryllium</td>
</tr>
<tr>
<td>Cadmium</td>
</tr>
<tr>
<td>Chromium (total)</td>
</tr>
<tr>
<td>Cyanide (free)</td>
</tr>
<tr>
<td>Fluoride</td>
</tr>
<tr>
<td>Mercury (inorganic)</td>
</tr>
<tr>
<td>Nitrate (as nitrogen)</td>
</tr>
<tr>
<td>Nitrite (as nitrogen)</td>
</tr>
<tr>
<td>Total nitrate and nitrite (as nitrogen)</td>
</tr>
<tr>
<td>Contaminant</td>
</tr>
<tr>
<td>-----------------------------</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Selenium</td>
</tr>
<tr>
<td>Thallium</td>
</tr>
</tbody>
</table>

C. Lead and copper (action level for lead is 0.015 mg/l through December 31, 2024 and 0.012 mg/l beginning January 1, 2025; action level for copper is 1.3 mg/l)

D. Synthetic organic chemicals (SOC)

<table>
<thead>
<tr>
<th>Contaminant</th>
<th>MCL/MRDL/TT violations</th>
<th>Monitoring, testing, &amp; reporting procedure violations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Tier of public notice required</td>
<td>Citation</td>
</tr>
<tr>
<td>2,4-Di-(2-ethylhexyl) adipate</td>
<td>2</td>
<td>R 325.10604d(1)</td>
</tr>
<tr>
<td>2,4,5-TP (silvex)</td>
<td>2</td>
<td>R 325.10604d(1)</td>
</tr>
<tr>
<td>Alachlor</td>
<td>2</td>
<td>R 325.10604d(1)</td>
</tr>
<tr>
<td>Atrazine</td>
<td>2</td>
<td>R 325.10604d(1)</td>
</tr>
<tr>
<td>Benzo(a)pyrene (PAHs)</td>
<td>2</td>
<td>R 325.10604d(1)</td>
</tr>
<tr>
<td>Carbofuran</td>
<td>2</td>
<td>R 325.10604d(1)</td>
</tr>
<tr>
<td>Chlordane</td>
<td>2</td>
<td>R 325.10604d(1)</td>
</tr>
<tr>
<td>Dalapon</td>
<td>2</td>
<td>R 325.10604d(1)</td>
</tr>
<tr>
<td>Di (2-ethylhexyl) adipate</td>
<td>2</td>
<td>R 325.10604d(1)</td>
</tr>
<tr>
<td>Di (2-ethylhexyl) phthalate</td>
<td>2</td>
<td>R 325.10604d(1)</td>
</tr>
<tr>
<td>Dibromochloropropane</td>
<td>2</td>
<td>R 325.10604d(1)</td>
</tr>
<tr>
<td>Dinoseb</td>
<td>2</td>
<td>R 325.10604d(1)</td>
</tr>
<tr>
<td>Dioxin (2,3,7,8-TCDD)</td>
<td>2</td>
<td>R 325.10604d(1)</td>
</tr>
<tr>
<td>Diquat</td>
<td>2</td>
<td>R 325.10604d(1)</td>
</tr>
<tr>
<td>Endothall</td>
<td>2</td>
<td>R 325.10604d(1)</td>
</tr>
<tr>
<td>Endrin</td>
<td>2</td>
<td>R 325.10604d(1)</td>
</tr>
<tr>
<td>Ethylene dibromide</td>
<td>2</td>
<td>R 325.10604d(1)</td>
</tr>
<tr>
<td>Glyphosate</td>
<td>2</td>
<td>R 325.10604d(1)</td>
</tr>
<tr>
<td>Heptachlor</td>
<td>2</td>
<td>R 325.10604d(1)</td>
</tr>
<tr>
<td>Heptachlor epoxide</td>
<td>2</td>
<td>R 325.10604d(1)</td>
</tr>
<tr>
<td>Hexachlorobenzene</td>
<td>2</td>
<td>R 325.10604d(1)</td>
</tr>
<tr>
<td>Hexachlorocyclopentadiene</td>
<td>2</td>
<td>R 325.10604d(1)</td>
</tr>
<tr>
<td>Lindane</td>
<td>2</td>
<td>R 325.10604d(1)</td>
</tr>
<tr>
<td>Methoxychlor</td>
<td>2</td>
<td>R 325.10604d(1)</td>
</tr>
<tr>
<td>Oxyamyl (vydate)</td>
<td>2</td>
<td>R 325.10604d(1)</td>
</tr>
<tr>
<td>Pentachlorophenol</td>
<td>2</td>
<td>R 325.10604d(1)</td>
</tr>
<tr>
<td>Picloram</td>
<td>2</td>
<td>R 325.10604d(1)</td>
</tr>
<tr>
<td>Polychlorinated biphenyls [PCBs]</td>
<td>2</td>
<td>R 325.10604d(1)</td>
</tr>
<tr>
<td>Simazine</td>
<td>2</td>
<td>R 325.10604d(1)</td>
</tr>
<tr>
<td>Toxaphene</td>
<td>2</td>
<td>R 325.10604d(1)</td>
</tr>
</tbody>
</table>

E. Volatile organic chemicals (VOC)

<table>
<thead>
<tr>
<th>Contaminant</th>
<th>MCL/MRDL/TT violations</th>
<th>Monitoring, testing, &amp; reporting procedure violations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Tier of public notice required</td>
<td>Citation</td>
</tr>
<tr>
<td>Benzene</td>
<td>2</td>
<td>R 325.10604b(1)</td>
</tr>
<tr>
<td>Carbon tetrachloride</td>
<td>2</td>
<td>R 325.10604b(1)</td>
</tr>
<tr>
<td>Chlorobenzene (monochloro-benzene)</td>
<td>2</td>
<td>R 325.10604b(1)</td>
</tr>
<tr>
<td>O-dichlorobenzene</td>
<td>2</td>
<td>R 325.10604b(1)</td>
</tr>
<tr>
<td>P-dichlorobenzene</td>
<td>2</td>
<td>R 325.10604b(1)</td>
</tr>
<tr>
<td>1,2-dichloroethane</td>
<td>2</td>
<td>R 325.10604b(1)</td>
</tr>
<tr>
<td>1,1-dichloroethylene</td>
<td>2</td>
<td>R 325.10604b(1)</td>
</tr>
<tr>
<td>Contaminant</td>
<td>MCL/MRDL/TT violations</td>
<td>Monitoring, testing, &amp; reporting procedure violations</td>
</tr>
<tr>
<td>-------------------------------------------</td>
<td>------------------------</td>
<td>------------------------------------------------------</td>
</tr>
<tr>
<td></td>
<td>Tier of public notice required</td>
<td>Citation</td>
</tr>
<tr>
<td>Cis-1,2-dichloroethylene</td>
<td>2</td>
<td>R 325.10604b(1)</td>
</tr>
<tr>
<td>Trans-1,2-dichloroethylene</td>
<td>2</td>
<td>R 325.10604b(1)</td>
</tr>
<tr>
<td>Dichloromethane</td>
<td>2</td>
<td>R 325.10604b(1)</td>
</tr>
<tr>
<td>1,2-dichloropropane</td>
<td>2</td>
<td>R 325.10604b(1)</td>
</tr>
<tr>
<td>Ethylenbenzene</td>
<td>2</td>
<td>R 325.10604b(1)</td>
</tr>
<tr>
<td>Styrene</td>
<td>2</td>
<td>R 325.10604b(1)</td>
</tr>
<tr>
<td>Tetrachloro-ethylene</td>
<td>2</td>
<td>R 325.10604b(1)</td>
</tr>
<tr>
<td>Toluene</td>
<td>2</td>
<td>R 325.10604b(1)</td>
</tr>
<tr>
<td>1,2,4-trichlorobenzene</td>
<td>2</td>
<td>R 325.10604b(1)</td>
</tr>
<tr>
<td>1,1,1-trichloroethane</td>
<td>2</td>
<td>R 325.10604b(1)</td>
</tr>
<tr>
<td>1,1,2-trichloroethane</td>
<td>2</td>
<td>R 325.10604b(1)</td>
</tr>
<tr>
<td>Trichloroethylene</td>
<td>2</td>
<td>R 325.10604b(1)</td>
</tr>
<tr>
<td>Vinyl chloride</td>
<td>2</td>
<td>R 325.10604b(1)</td>
</tr>
<tr>
<td>Xylenes (total)</td>
<td>2</td>
<td>R 325.10604b(1)</td>
</tr>
<tr>
<td><strong>F. per- and polyfluoroalkyl substances (PFAS)</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hexafluoropropylene oxide dimer acid (HFPO-DA)</td>
<td>2</td>
<td>R 325.10604g(1)</td>
</tr>
<tr>
<td>Perfluorobutane sulfonic acid (PFBS)</td>
<td>2</td>
<td>R 325.10604g(1)</td>
</tr>
<tr>
<td>Perfluorohexane sulfonic acid (PFHxS)</td>
<td>2</td>
<td>R 325.10604g(1)</td>
</tr>
<tr>
<td>Perfluorohexanoic acid (PFHxA)</td>
<td>2</td>
<td>R 325.10604g(1)</td>
</tr>
<tr>
<td>Perfluorononanoic acid (PFNA)</td>
<td>2</td>
<td>R 325.10604g(1)</td>
</tr>
<tr>
<td>Perfluorooctane sulfonic acid (PFOS)</td>
<td>2</td>
<td>R 325.10604g(1)</td>
</tr>
<tr>
<td>Perfluorooctanoic acid (PFOA)</td>
<td>2</td>
<td>R 325.10604g(1)</td>
</tr>
<tr>
<td><strong>F-G. Radioactive contaminants</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Beta/photon emitters</td>
<td>2</td>
<td>R 325.10603(2)(c)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alpha emitters (gross alpha)</td>
<td>2</td>
<td>R 325.10603(2)(b)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Combined radium (226 &amp; 228)</td>
<td>2</td>
<td>R 325.10603(2)(a)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Uranium (pCi/L)</td>
<td>2</td>
<td>R 325.10603(2)(d)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>
### G-H. Disinfection byproducts (DBP), byproduct precursors, disinfectant residuals

Where disinfection is used in the treatment of drinking water, disinfectants combine with organic and inorganic matter present in water to form chemicals called disinfection byproducts (DBP). The department sets standards for controlling the levels of disinfectants and DBPs in drinking water, including trihalomethanes (THM) and haloacetic acids (HAA). See R 325.10610 to R 325.10610d, and R 325.10719e to R 325.10719n for disinfection byproduct MCLs, disinfectant MRDLs, and related monitoring requirements.

<table>
<thead>
<tr>
<th>Contaminant</th>
<th>MCL/MRDL/TT violations</th>
<th>Monitoring, testing, &amp; reporting procedure violations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Tier of public notice required</td>
<td>Citation</td>
</tr>
<tr>
<td>Total trihalomethanes (TTHM)</td>
<td>2</td>
<td>R 325.10610(2) R 325.10610b(2)(a)</td>
</tr>
<tr>
<td>Haloacetic acids (HAA)</td>
<td>2</td>
<td>R 325.10610(2) R 325.10610b(2)(a)</td>
</tr>
<tr>
<td>Bromate</td>
<td>2</td>
<td>R 325.10610 R 325.10610b(2)(b)</td>
</tr>
<tr>
<td>Chloramine (MRDL)</td>
<td>2</td>
<td>R 325.10610a R 325.10610b(3)(a)</td>
</tr>
<tr>
<td>Chlorine (MRDL)</td>
<td>2</td>
<td>R 325.10610a R 325.10610b(3)(a)</td>
</tr>
<tr>
<td>Chlorite</td>
<td>2</td>
<td>R 325.10610 R 325.10610b(2)(c)</td>
</tr>
<tr>
<td>Chlorine dioxide (MRDL), where any 2 consecutive daily samples at entrance to distribution system only are above MRDL</td>
<td>2</td>
<td>R 325.10610a R 325.10610b(3)(b)(ii)</td>
</tr>
</tbody>
</table>

*Failure to monitor for chlorine dioxide at the entrance to the distribution system the day after exceeding the MRDL at the entrance to the distribution system is a tier 2 violation.

| Chlorine dioxide (MRDL), where sample(s) in distribution system the next day are also above MRDL | 1 * | R 325.10610a R 325.10610b(3)(b)(i) | 1 | R 325.10719e(1), (3)(b)(ii) and (iii) |

*If any daily sample taken at the entrance to the distribution system exceeds the MRDL for chlorine dioxide and 1 or more samples taken in the distribution system the next day exceed the MRDL, tier 1 notification is required. Failure to take the required samples in the distribution system after the MRDL is exceeded at the entry point also triggers tier 1 notification.

| Control of DBP precursors—TOC (TT) | 2 | R 325.10610b(4) R 325.10610c | 3 | R 325.10719e(1) and (4) |
| Bench marking and disinfection profiling | N/A | N/A | 3 | R 325.10722 |
| Development of monitoring plan | N/A | N/A | 3 | R 325.10719e(5) |

### II-I. Other treatment techniques

| Acrylamide (TT) | 2 | R 325.10604e | N/A | N/A |
| Epichlorohydrin (TT) | 2 | R 325.10604e | N/A | N/A |

### II. Other monitoring:

| Unregulated contaminants | N/A | N/A | 3 | 40 CFR §141.40 5 |
| Nickel | N/A | N/A | 3 | R 325.10710(4), (5), and (9) |

### III. Public notification for variances and exemptions:
<table>
<thead>
<tr>
<th>Contaminant</th>
<th>MCL/MRDL/TT violations</th>
<th>Monitoring, testing, &amp; reporting procedure violations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Tier of public notice</td>
<td>Citation</td>
</tr>
<tr>
<td></td>
<td>required</td>
<td>Tier of public notice required</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Citation</td>
</tr>
<tr>
<td>Operation under a variance or exemption</td>
<td>3</td>
<td>R 325.10302</td>
</tr>
<tr>
<td>Violation of conditions of a variance or exemption</td>
<td>2</td>
<td>R 325.10312</td>
</tr>
</tbody>
</table>

**IV. Other situations requiring public notification:**

| Fluoride level above 2.0 mg/l                                            | 3                      | R 325.10408a(1)                                     | N/A                                        | N/A |
| Exceedance of nitrate MCL for noncommunity supplies, as allowed by the department | 1                      | R 325.10604c(3)                                     | N/A                                        | N/A |
| Availability of unregulated contaminant monitoring data                   | 3                      | R 325.10407                                          | N/A                                        | N/A |
| Waterborne disease outbreak                                               | 1                      | R 325.10734(4)                                      | N/A                                        | N/A |
| Source water sample positive for Fecal indicator: E.coli, enterococci, or coliphage | 1                      | R 325.10739(6)                                      | N/A                                        | N/A |
| Other waterborne emergencies and other situations as determined by the department | 1 or 2 or 3 *           | N/A                                                 | N/A                                        | N/A |

* Waterborne emergencies require a tier 1 public notice. The department may place other situations in any tier it determines appropriate, based on threat to public health.

1MCL - Maximum contaminant level, MRDL - maximum residual disinfectant level, TT - treatment technique.

2Failure to test for fecal coliform or E. coli is a tier 1 violation if testing is not done after any repeat sample tests positive for coliform. All other total coliform monitoring and testing procedure violations are tier 3.

3Supplies with treatment technique violations involving a single exceedance of a maximum turbidity limit under R 325.10611b(1) are required to initiate consultation with the department within 24 hours after learning of the violation. Based on this consultation, the department may subsequently decide to elevate the violation to tier 1. If a supply is unable to make contact with the department in the 24-hour period, the violation is automatically elevated to tier 1.

4Failure to take a confirmation sample within 24 hours for nitrate or nitrite after an initial sample exceeds the MCL is a tier 1 violation. Other monitoring violations for nitrate are tier 3.

5Title 40 CFR part 141 Section 40, being 40 CFR §141.40,(2014), which pertains to unregulated contaminant monitoring, is contained in Title 40 CFR parts 136 to 149 and is available for purchase for $67.00 from the superintendent of documents at the address in R 325.10116. The material is available for inspection from the offices of the department at the address in R 325.10116(a) or available on the Internet at http://www.ecfr.gov/.
R 325.10405  Content of public notice.

Rule 405.  (1) If a community or noncommunity water supply that is subject to R 325.10401a has a violation or situation requiring public notification, then each public notice shall include all of the following elements:

(a) A description of the violation or situation, including the contaminant or contaminants of concern, and, as applicable, the contaminant level or levels.

(b) When the violation or situation occurred.

(c) The potential adverse health effects from the violation or situation, including the standard language under subrule (4)(a) or (b) of this rule, whichever is applicable.

(d) The population at risk, including subpopulations particularly vulnerable if exposed to the contaminant in their drinking water.

(e) If alternative water supplies should be used.

(f) What actions consumers should take, including when they should seek medical help, if known.

(g) What the supply is doing to correct the violation or situation.

(h) When the supply expects to return to compliance or resolve the situation.

(i) The name, business address, and phone number of the supply or designee of the supply as a source of additional information concerning the notice.

(j) A statement to encourage the notice recipient to distribute the public notice to other persons served, using the standard language under subrule (4)(c) of this rule, where applicable.

(2) All of the following elements shall be included in the public notice for public water supplies operating under a variance or exemption:

(a) If a public water supply has been granted a variance or an exemption, then the public notice shall contain all of the following elements:

(i) An explanation of the reasons for the variance or exemption.

(ii) The date on which the variance or exemption was issued.

(iii) A brief status report on the steps the supply is taking to install treatment, find alternative sources of water, or otherwise comply with the terms and schedules of the variance or exemption.

(iv) A notice of opportunities for public input in the review of the variance or exemption.

(b) If a public water supply violates the conditions of a variance or exemption, then the public notice shall contain the 10 elements listed in subrule (1) of this rule.

(3) The public notice shall be presented in the following manner:

(a) Each public notice required by this part shall meet all of the following criteria:

(i) Shall be displayed in a conspicuous way when printed or posted.

(ii) Shall not contain overly technical language or very small print.

(iii) Shall not be formatted in a way that defeats the purpose of the notice.

(iv) Shall not contain language which nullifies the purpose of the notice.

(b) In communities where more than 10% of the consumers are non-English speaking consumers, the public notice shall contain information in the appropriate language or languages regarding the importance of the notice or contain a telephone number or address where persons served may contact the supply to obtain a translated copy of the notice or to request assistance in the appropriate language.

(4) The supply shall include the following standard language in the public notice:

(a) The supply shall include in each public notice the health effects language specified in table 1 of this rule corresponding to each MCL, MRDL, and treatment technique violation listed in table 1 of R 325.10401a, and for each violation of a condition of a variance or exemption.

(b) The supply shall include the following language in the notice, including the language necessary to fill in the blanks, for all monitoring and testing procedure violations listed in table 1 of R 325.10401a:

"We are required to monitor your drinking water for specific contaminants on a regular basis. Results of
regular monitoring are an indicator of whether or not your drinking water meets health standards. During [compliance period], we 'did not monitor or test' or 'did not complete all monitoring or testing' for [contaminant or contaminants], and therefore cannot be sure of the quality of your drinking water during that time."

(c) The supply shall include in the notice the following language, where applicable, to encourage the distribution of the public notice to all persons served: "Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail."
### Table 1 Regulated contaminants

<table>
<thead>
<tr>
<th>Key</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>AL</td>
<td>Action level</td>
</tr>
<tr>
<td>MCL</td>
<td>Maximum contaminant level</td>
</tr>
<tr>
<td>MCLG</td>
<td>Maximum contaminant level goal</td>
</tr>
<tr>
<td>mfl</td>
<td>Million fibers per liter</td>
</tr>
<tr>
<td>MRDL</td>
<td>Maximum residual disinfectant level</td>
</tr>
<tr>
<td>MRDLG</td>
<td>Maximum residual disinfectant level goal</td>
</tr>
<tr>
<td>mrem/year</td>
<td>Millirems per year (a measure of radiation absorbed by the body)</td>
</tr>
<tr>
<td>N/A</td>
<td>Not applicable</td>
</tr>
<tr>
<td>NTU</td>
<td>Nephelometric turbidity units (a measure of water clarity)</td>
</tr>
<tr>
<td>pci/l</td>
<td>Picocuries per liter (a measure of radioactivity)</td>
</tr>
<tr>
<td>ppm</td>
<td>Parts per million, or milligrams per liter (mg/l)</td>
</tr>
<tr>
<td>ppb</td>
<td>Parts per billion, or micrograms per liter (µg/l)</td>
</tr>
<tr>
<td>ppt</td>
<td>Parts per trillion, or nanograms per liter</td>
</tr>
<tr>
<td>ppq</td>
<td>Parts per quadrillion, or picograms per liter</td>
</tr>
<tr>
<td>TT</td>
<td>Treatment technique</td>
</tr>
</tbody>
</table>
## Contaminants in CCR units

<table>
<thead>
<tr>
<th>Contaminant in CCR units</th>
<th>Traditional MCL in mg/l, except where noted</th>
<th>To convert for CCR, multiply by</th>
<th>MCL in CCR units</th>
<th>MCLG in CCR units</th>
<th>Major sources in drinking water</th>
<th>Health effects language</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Microbiological contaminants</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total coliform bacteria until March 31, 2016</td>
<td>MCL: For water supplies analyzing 40 or more samples per month, not more than 5.0% of the monthly samples may be positive for total coliform. For supplies analyzing fewer than 40 samples per month, not more than 1 sample per month may be positive for total coliform.</td>
<td>zero</td>
<td>Naturally present in the environment</td>
<td>Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total coliform bacteria beginning April 1, 2016. This row applies to Consumer Confidence Reporting.</td>
<td>TT</td>
<td>No conversion necessary</td>
<td>TT</td>
<td>N/A</td>
<td>Naturally present in the environment</td>
<td>Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially harmful, waterborne pathogens may be present or that a potential pathway exists through which contamination may enter the drinking water distribution system.</td>
</tr>
<tr>
<td>Fecal coliform and E. coli until March 31, 2016</td>
<td>zero</td>
<td>No conversion necessary</td>
<td>zero</td>
<td>zero</td>
<td>Human and animal fecal waste</td>
<td>Fecal coliforms and E. coli are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, some of the elderly, and people with severely compromised immune systems.</td>
</tr>
<tr>
<td>E. coli beginning April 1, 2016</td>
<td>MCL: Routine and repeat samples are total coliform-positive and either is E. coli-positive or supply fails to take all required repeat samples following E. coli-positive routine sample or supply fails to analyze total coliform-positive repeat sample for E. coli</td>
<td>zero</td>
<td>Human and animal fecal waste</td>
<td>E. coli are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Human pathogens in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a greater health risk for infants, young children, the elderly, and people with severely-compromised immune systems.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Contaminant in CCR units</td>
<td>Traditional MCL in mg/l, except where noted</td>
<td>To convert for CCR, multiply by</td>
<td>MCL in CCR units</td>
<td>MCLG in CCR units</td>
<td>Major sources in drinking water</td>
<td>Health effects language</td>
</tr>
<tr>
<td>-------------------------</td>
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</tr>
<tr>
<td>Coliform Assessment and/or Corrective Action Violations, or both, beginning April 1, 2016. This row applies to public notification. For Consumer Confidence Reporting, see R 325.10413(12)(g)(i).</td>
<td>N/A</td>
<td>No conversion necessary</td>
<td>TT</td>
<td>N/A</td>
<td>N/A</td>
<td>Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially harmful, waterborne pathogens may be present or that a potential pathway exists through which contamination may enter the drinking water distribution system. We found coliforms indicating the need to look for potential problems in water treatment or distribution. When this occurs, we are required to conduct assessments to identify problems and to correct any problems that are found. [THE SUPPLY MUST USE 1 OF THE FOLLOWING APPLICABLE SENTENCES:] We failed to conduct the required assessment. We failed to correct all identified sanitary defects that were found during the assessment(s).</td>
</tr>
<tr>
<td>E. coli Assessment and/or Corrective Action Violations, or both, beginning April 1, 2106. This row applies to public notification. For Consumer Confidence Reporting, see R 325.10413(12)(g)(ii).</td>
<td>N/A</td>
<td>No conversion necessary</td>
<td>TT</td>
<td>N/A</td>
<td>N/A</td>
<td>E. coli are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Human pathogens in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a greater health risk for infants, young children, the elderly, and people with severely compromised immune systems. We violated the standard for E. coli, indicating the need to look for potential problems in water treatment or distribution. When this occurs, we are required to conduct a detailed assessment to identify problems and to correct any problems that are found. [THE SUPPLY MUST USE 1 OF THE FOLLOWING APPLICABLE SENTENCES:] We failed to conduct the required assessment. We failed to correct all identified sanitary defects that were found during the assessment(s).</td>
</tr>
<tr>
<td>Seasonal Supply Treatment Technique Violations of the Total Coliform Rule beginning April 1, 2016.</td>
<td>N/A</td>
<td>No conversion necessary</td>
<td>TT</td>
<td>N/A</td>
<td>N/A</td>
<td>When this violation includes the failure to monitor for total coliforms or E. coli prior to serving water to the public, the mandatory language found at R 325.10405(4)(b) shall be used. When this violation includes failure to complete other actions, the appropriate public notice elements found in R 325.10405(1) shall be used.</td>
</tr>
<tr>
<td>Contaminant in CCR units</td>
<td>Traditional MCL in mg/l, except where noted</td>
<td>To convert for CCR, multiply by</td>
<td>MCL in CCR units</td>
<td>MCLG in CCR units</td>
<td>Major sources in drinking water</td>
<td>Health effects language</td>
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</tr>
<tr>
<td>Fecal indicator under groundwater requirements in R 325.10612 et. al: - E.coli - enterococci or - coliphage</td>
<td>TT</td>
<td>No conversion necessary</td>
<td>TT</td>
<td>E.coli: zero Others: N/A</td>
<td>Human and animal fecal waste</td>
<td>Fecal indicators are microbes whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause short-term health effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, some of the elderly, and people with severely compromised immune systems.</td>
</tr>
<tr>
<td>Violations of rules for ground water supplies subject to R 325.10612</td>
<td>TT</td>
<td>No conversion necessary</td>
<td>TT</td>
<td>N/A</td>
<td>N/A</td>
<td>Inadequately treated or inadequately protected water may contain disease-causing organisms. These organisms can cause symptoms such as diarrhea, nausea, cramps, and associated headaches.</td>
</tr>
<tr>
<td>Turbidity (ntu)</td>
<td>TT</td>
<td>No conversion necessary</td>
<td>TT</td>
<td>N/A</td>
<td>Soil runoff</td>
<td>Turbidity has no health effects. However, turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.</td>
</tr>
<tr>
<td>Other microbiological contaminants</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Naturally present in the environment</td>
<td>Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.</td>
</tr>
<tr>
<td>Giardia lamblia, viruses, heterotrophic plate count (HPC) bacteria, legionella, cryptosporidium</td>
<td>TT*</td>
<td>No conversion necessary</td>
<td>TT*</td>
<td>zero</td>
<td>Naturally present in the environment</td>
<td>Inadequately treated water may contain disease-causing organisms. These organisms can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.</td>
</tr>
<tr>
<td>* The treatment technique violations that involve turbidity exceedances may use health effects language for turbidity instead.</td>
<td></td>
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<tr>
<td>Inorganic contaminants</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Antimony (ppb)</td>
<td>0.006</td>
<td>1000</td>
<td>6</td>
<td>6</td>
<td>Discharge from petroleum refineries; fire retardants; ceramics; electronics; solder</td>
<td>Some people who drink water containing antimony well in excess of the MCL over many years could experience increases in blood cholesterol and decreases in blood sugar.</td>
</tr>
<tr>
<td>Arsenic (ppb)</td>
<td>0.010</td>
<td>1000</td>
<td>10</td>
<td>0</td>
<td>Erosion of natural deposits; runoff from orchards; runoff from glass and electronics production wastes</td>
<td>Some people who drink water containing arsenic in excess of the MCL over many years could experience skin damage or problems with their circulatory system, and may have an increased risk of getting cancer.</td>
</tr>
<tr>
<td>Asbestos [fibers longer than 10 µm] (mfl)</td>
<td>7 mfl</td>
<td>No conversion necessary</td>
<td>7</td>
<td>7</td>
<td>Decay of asbestos cement water mains; erosion of natural deposits</td>
<td>Some people who drink water containing asbestos in excess of the MCL over many years may have an increased risk of developing benign intestinal polyps.</td>
</tr>
<tr>
<td>Contaminant in CCR units</td>
<td>Traditional MCL in mg/l, except where noted</td>
<td>To convert for CCR, multiply by</td>
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<tr>
<td>Barium (ppm)</td>
<td>2</td>
<td>No conversion necessary</td>
<td>2</td>
<td>2</td>
<td>Discharge of drilling wastes; discharge from metal refineries; erosion of natural deposits</td>
<td>Some people who drink water containing barium in excess of the MCL over many years could experience an increase in their blood pressure.</td>
</tr>
<tr>
<td>Beryllium (ppb)</td>
<td>0.004</td>
<td>1000</td>
<td>4</td>
<td>4</td>
<td>Discharge from metal refineries and coal-burning factories; discharge from electrical, aerospace, and defense industries</td>
<td>Some people who drink water containing beryllium well in excess of the MCL over many years could develop intestinal lesions.</td>
</tr>
<tr>
<td>Cadmium (ppb)</td>
<td>0.005</td>
<td>1000</td>
<td>5</td>
<td>5</td>
<td>Corrosion of galvanized pipes; erosion of natural deposits; discharge from metal refineries; runoff from waste batteries and paints</td>
<td>Some people who drink water containing cadmium in excess of the MCL over many years could experience kidney damage.</td>
</tr>
<tr>
<td>Chromium [total] (ppb)</td>
<td>0.1</td>
<td>1000</td>
<td>100</td>
<td>100</td>
<td>Discharge from steel and pulp mills; erosion of natural deposits</td>
<td>Some people who use water containing chromium well in excess of the MCL over many years could experience allergic dermatitis.</td>
</tr>
<tr>
<td>Cyanide [free] (ppb)</td>
<td>0.2</td>
<td>1000</td>
<td>200</td>
<td>200</td>
<td>Discharge from steel/metal factories; discharge from plastic and fertilizer factories</td>
<td>Some people who drink water containing cyanide well in excess of the MCL over many years could experience nerve damage or problems with their thyroid.</td>
</tr>
<tr>
<td>Fluoride (ppm)</td>
<td>4.0</td>
<td>No conversion necessary</td>
<td>4.0</td>
<td>4.0</td>
<td>Erosion of natural deposits; water additive that promotes strong teeth; discharge from fertilizer and aluminum factories</td>
<td>Some people who drink water containing fluoride in excess of the MCL over many years could get bone disease, including pain and tenderness of the bones. Fluoride in drinking water at half the MCL or more may cause mottling of children’s teeth, usually in children less than 9 years old. Mottling, also known as dental fluorosis, may include brown staining and/or pitting of the teeth, or both, and occurs only in developing teeth before they erupt from the gums.</td>
</tr>
<tr>
<td>Mercury [inorganic] (ppb)</td>
<td>0.002</td>
<td>1000</td>
<td>2</td>
<td>2</td>
<td>Erosion of natural deposits; discharge from refineries and factories; runoff from landfills; runoff from cropland</td>
<td>Some people who drink water containing inorganic mercury well in excess of the MCL over many years could experience kidney damage.</td>
</tr>
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</tr>
<tr>
<td>Nitrate [as nitrogen] (ppm)</td>
<td>10</td>
<td>No conversion necessary</td>
<td>10</td>
<td>10</td>
<td>Runoff from fertilizer use; leaching from septic tanks, sewage; erosion of natural deposits</td>
<td>Infants below the age of 6 months who drink water containing nitrate in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.</td>
</tr>
<tr>
<td>Nitrite [as nitrogen] (ppm)</td>
<td>1</td>
<td>No conversion necessary</td>
<td>1</td>
<td>1</td>
<td>Runoff from fertilizer use; leaching from septic tanks, sewage; erosion of natural deposits</td>
<td>Infants below the age of 6 months who drink water containing nitrite in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.</td>
</tr>
<tr>
<td>Total nitrate and nitrite [as nitrogen] (ppm)</td>
<td>10</td>
<td>No conversion necessary</td>
<td>10</td>
<td>10</td>
<td>Runoff from fertilizer use; leaching from septic tanks, sewage; erosion of natural deposits</td>
<td>Infants below the age of 6 months who drink water containing nitrate and nitrite in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.</td>
</tr>
<tr>
<td>Selenium (ppb)</td>
<td>0.05</td>
<td>1000</td>
<td>50</td>
<td>50</td>
<td>Discharge from petroleum and metal refineries; erosion of natural deposits; discharge from mines</td>
<td>Selenium is an essential nutrient. However, some people who drink water containing selenium in excess of the MCL over many years could experience hair or fingernail losses, numbness in fingers or toes, or problems with their circulation.</td>
</tr>
<tr>
<td>Thallium (ppb)</td>
<td>0.002</td>
<td>1000</td>
<td>2</td>
<td>0.5</td>
<td>Leaching from ore-processing sites; discharge from electronics, glass, and drug factories</td>
<td>Some people who drink water containing thallium in excess of the MCL over many years could experience hair loss, changes in their blood, or problems with their kidneys, intestines, or liver.</td>
</tr>
<tr>
<td>Lead and copper</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lead (ppb)</td>
<td>AL=0.015 through December 31, 2024; AL=0.012 beginning January 1, 2025.</td>
<td>1000</td>
<td>AL=15 through December 31, 2024; AL=12 beginning January 1, 2025. (TT)</td>
<td>zero</td>
<td>Lead services lines, corrosion of household plumbing including fittings and fixtures; erosion of natural deposits</td>
<td>Infants and children who drink water containing lead could experience delays in their physical or mental development. Children could show slight deficits in attention span and learning abilities. Adults who drink this water over many years could develop kidney problems or high blood pressure.</td>
</tr>
</tbody>
</table>
Contaminant in CCR units | Traditional MCL in mg/l, except where noted | To convert for CCR, multiply by | MCL in CCR units | MCLG in CCR units | Major sources in drinking water | Health effects language
--- | --- | --- | --- | --- | --- | ---
Copper (ppm) | AL=1.3 | No conversion necessary | AL=1.3 (TT) | 1.3 | Corrosion of household plumbing systems; erosion of natural deposits | Copper is an essential nutrient, but some people who drink water containing copper in excess of the action level over a relatively short amount of time could experience gastrointestinal distress. Some people who drink water containing copper in excess of the action level over many years could suffer liver or kidney damage. People with Wilson’s disease should consult their personal doctor.

### Synthetic organic contaminants including pesticides and herbicides

<table>
<thead>
<tr>
<th>Contaminant</th>
<th>Traditional MCL in mg/l, except where noted</th>
<th>To convert for CCR, multiply by</th>
<th>MCL in CCR units</th>
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<th>Major sources in drinking water</th>
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</tr>
</thead>
<tbody>
<tr>
<td>2,4-D (ppb)</td>
<td>0.07</td>
<td>1000</td>
<td>70</td>
<td>70</td>
<td>Runoff from herbicide used on row crops</td>
<td>Some people who drink water containing the weed killer 2,4-D well in excess of the MCL over many years could experience problems with their kidneys, liver, or adrenal glands.</td>
</tr>
<tr>
<td>2,4,5-TP [silvex] (ppb)</td>
<td>0.05</td>
<td>1000</td>
<td>50</td>
<td>50</td>
<td>Residue of banned herbicide</td>
<td>Some people who drink water containing silvex in excess of the MCL over many years could experience liver problems.</td>
</tr>
<tr>
<td>Alachlor (ppb)</td>
<td>0.002</td>
<td>1000</td>
<td>2</td>
<td>zero</td>
<td>Runoff from herbicide used on row crops</td>
<td>Some people who drink water containing alachlor in excess of the MCL over many years could have problems with their eyes, liver, kidneys, or spleen, or experience anemia, and may have an increased risk of getting cancer.</td>
</tr>
<tr>
<td>Atrazine (ppb)</td>
<td>0.003</td>
<td>1000</td>
<td>3</td>
<td>3</td>
<td>Runoff from herbicide used on row crops</td>
<td>Some people who drink water containing atrazine well in excess of the MCL over many years could experience problems with their cardiovascular system or reproductive difficulties.</td>
</tr>
<tr>
<td>Benzo(a)pyrene [PAHs] (ppt)</td>
<td>0.0002</td>
<td>1,000,000</td>
<td>200</td>
<td>zero</td>
<td>Leaching from linings of water storage tanks and distribution lines</td>
<td>Some people who drink water containing benzo(a)pyrene in excess of the MCL over many years may experience reproductive difficulties and may have an increased risk of getting cancer.</td>
</tr>
<tr>
<td>Carbofuran (ppb)</td>
<td>0.04</td>
<td>1000</td>
<td>40</td>
<td>40</td>
<td>Runoff from soil fumigant used on rice and alfalfa</td>
<td>Some people who drink water containing carbofuran in excess of the MCL over many years could experience problems with their blood or nervous or reproductive systems.</td>
</tr>
<tr>
<td>Chlordane (ppb)</td>
<td>0.002</td>
<td>1000</td>
<td>2</td>
<td>zero</td>
<td>Residue of banned termiticide</td>
<td>Some people who drink water containing chlordane in excess of the MCL over many years could experience problems with their liver or nervous system, and may have an increased risk of getting cancer.</td>
</tr>
<tr>
<td>Dalapon (ppb)</td>
<td>0.2</td>
<td>1000</td>
<td>200</td>
<td>200</td>
<td>Runoff from herbicide used on rights of way</td>
<td>Some people who drink water containing dalapon well in excess of the MCL over many years could experience minor kidney changes.</td>
</tr>
<tr>
<td>Contaminant in CCR units</td>
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</tr>
<tr>
<td>Di(2-ethylhexyl) adipate (ppb)</td>
<td>0.4</td>
<td>1000</td>
<td>400</td>
<td>400</td>
<td>Discharge from chemical factories</td>
<td>Some people who drink water containing di (2-ethylhexyl) adipate well in excess of the MCL over many years could experience toxic effects such as weight loss, liver enlargement, or possible reproductive difficulties.</td>
</tr>
<tr>
<td>Di(2-ethylhexyl) phthalate (ppb)</td>
<td>0.006</td>
<td>1000</td>
<td>6</td>
<td>zero</td>
<td>Discharge from rubber and chemical factories</td>
<td>Some people who drink water containing di (2-ethylhexyl) phthalate well in excess of the MCL over many years may have problems with their liver, or experience reproductive difficulties, and may have an increased risk of getting cancer.</td>
</tr>
<tr>
<td>Dibromochloropropane [DBCP] (ppt)</td>
<td>0.0002</td>
<td>1,000,000</td>
<td>200</td>
<td>zero</td>
<td>Runoff/leaching from soil fumigant used on soybeans, cotton, pineapples, and orchards</td>
<td>Some people who drink water containing DBCP in excess of the MCL over many years could experience reproductive difficulties and may have an increased risk of getting cancer.</td>
</tr>
<tr>
<td>Dinoseb (ppb)</td>
<td>0.007</td>
<td>1000</td>
<td>7</td>
<td>7</td>
<td>Runoff from herbicide used on soybeans and vegetables</td>
<td>Some people who drink water containing dinoseb well in excess of the MCL over many years could experience reproductive difficulties.</td>
</tr>
<tr>
<td>Dioxin [2,3,7,8-TCDD] (ppq)</td>
<td>0.00000003</td>
<td>1,000,000,000</td>
<td>30</td>
<td>zero</td>
<td>Emissions from waste incineration and other combustion; discharge from chemical factories</td>
<td>Some people who drink water containing dioxin in excess of the MCL over many years could experience reproductive difficulties and may have an increased risk of getting cancer.</td>
</tr>
<tr>
<td>Diquat (ppb)</td>
<td>0.02</td>
<td>1000</td>
<td>20</td>
<td>20</td>
<td>Runoff from herbicide use</td>
<td>Some people who drink water containing diquat in excess of the MCL over many years could get cataracts.</td>
</tr>
<tr>
<td>Endothall (ppb)</td>
<td>0.1</td>
<td>1000</td>
<td>100</td>
<td>100</td>
<td>Runoff from herbicide use</td>
<td>Some people who drink water containing endothall in excess of the MCL over many years could experience problems with their stomach or intestines.</td>
</tr>
<tr>
<td>Endrin (ppb)</td>
<td>0.002</td>
<td>1000</td>
<td>2</td>
<td>2</td>
<td>Residue of banned insecticide</td>
<td>Some people who drink water containing endrin in excess of the MCL over many years could experience liver problems.</td>
</tr>
<tr>
<td>Ethylene dibromide (ppt)</td>
<td>0.00005</td>
<td>1,000,000</td>
<td>50</td>
<td>zero</td>
<td>Discharge from petroleum refineries</td>
<td>Some people who drink water containing ethylene dibromide in excess of the MCL over many years could experience problems with their liver, stomach, reproductive system, or kidneys, and may have an increased risk of getting cancer.</td>
</tr>
<tr>
<td>Glyphosate (ppb)</td>
<td>0.7</td>
<td>1000</td>
<td>700</td>
<td>700</td>
<td>Runoff from herbicide use</td>
<td>Some people who drink water containing glyphosate in excess of the MCL over many years could experience problems with their kidneys or reproductive difficulties.</td>
</tr>
<tr>
<td>Contaminant in CCR units</td>
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</tr>
<tr>
<td>Heptachlor (ppt)</td>
<td>0.0004</td>
<td>1,000,000</td>
<td>400</td>
<td>zero</td>
<td>Residue of banned pesticide</td>
<td>Some people who drink water containing heptachlor in excess of the MCL over many years could experience liver damage and may have an increased risk of getting cancer.</td>
</tr>
<tr>
<td>Heptachlor epoxide (ppt)</td>
<td>0.0002</td>
<td>1,000,000</td>
<td>200</td>
<td>zero</td>
<td>Breakdown of heptachlor</td>
<td>Some people who drink water containing heptachlor epoxide in excess of the MCL over many years could experience liver damage, and may have an increased risk of getting cancer.</td>
</tr>
<tr>
<td>Hexachlorobenzene (ppb)</td>
<td>0.001</td>
<td>1000</td>
<td>1</td>
<td>zero</td>
<td>Discharge from metal refineries and agricultural chemical factories</td>
<td>Some people who drink water containing hexachlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys, or adverse reproductive effects, and may have an increased risk of getting cancer.</td>
</tr>
<tr>
<td>Hexachlorocyclopentadiene (ppb)</td>
<td>0.05</td>
<td>1000</td>
<td>50</td>
<td>50</td>
<td>Discharge from chemical factories</td>
<td>Some people who drink water containing hexachlorocyclopentadiene well in excess of the MCL over many years could experience problems with their liver or kidneys or stomach.</td>
</tr>
<tr>
<td>Lindane (ppt)</td>
<td>0.0002</td>
<td>1,000,000</td>
<td>200</td>
<td>200</td>
<td>Runoff/leaching from insecticide used on cattle, lumber, gardens</td>
<td>Some people who drink water containing lindane in excess of the MCL over many years could experience problems with their kidneys or liver.</td>
</tr>
<tr>
<td>Methoxychlor (ppb)</td>
<td>0.04</td>
<td>1000</td>
<td>40</td>
<td>40</td>
<td>Runoff/leaching from insecticide used on fruits, vegetables, alfalfa, livestock</td>
<td>Some people who drink water containing methoxychlor in excess of the MCL over many years could experience reproductive difficulties.</td>
</tr>
<tr>
<td>Oxamyl [vydate] (ppb)</td>
<td>0.2</td>
<td>1000</td>
<td>200</td>
<td>200</td>
<td>Runoff/leaching from insecticide used on apples, potatoes, and tomatoes</td>
<td>Some people who drink water containing oxamyl in excess of the MCL over many years could experience slight nervous system effects.</td>
</tr>
<tr>
<td>Pentachlorophenol (ppb)</td>
<td>0.001</td>
<td>1000</td>
<td>1</td>
<td>zero</td>
<td>Discharge from wood preserving factories</td>
<td>Some people who drink water containing pentachlorophenol in excess of the MCL over many years could experience problems with their liver or kidneys, and may have an increased risk of getting cancer.</td>
</tr>
<tr>
<td>Picloram (ppb)</td>
<td>0.5</td>
<td>1000</td>
<td>500</td>
<td>500</td>
<td>Herbicide runoff</td>
<td>Some people who drink water containing picloram in excess of the MCL over many years could experience problems with their liver.</td>
</tr>
</tbody>
</table>
### Contaminant in CCR units

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<tr>
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<tbody>
<tr>
<td>Polychlorinated biphenyls [PCBs] (ppt)</td>
<td>0.0005</td>
<td>1,000,000</td>
<td>500</td>
<td>zero</td>
<td>Runoff from landfills; discharge of waste chemicals</td>
<td>Some people who drink water containing PCBs in excess of the MCL over many years could experience changes in their skin, problems with their thymus gland, immune deficiencies, or reproductive or nervous system difficulties, and may have an increased risk of getting cancer.</td>
</tr>
<tr>
<td>Simazine (ppb)</td>
<td>0.004</td>
<td>1000</td>
<td>4</td>
<td>4</td>
<td>Herbicide runoff</td>
<td>Some people who drink water containing simazine in excess of the MCL over many years could experience problems with their blood.</td>
</tr>
<tr>
<td>Toxaphene (ppb)</td>
<td>0.003</td>
<td>1000</td>
<td>3</td>
<td>zero</td>
<td>Runoff/leaching from insecticide used on cotton and cattle</td>
<td>Some people who drink water containing toxaphene in excess of the MCL over many years could have problems with their kidneys, liver, or thyroid, and may have an increased risk of getting cancer.</td>
</tr>
</tbody>
</table>

### Per- and polyfluoroalkyl substances (PFAS)

<p>| Hexafluoropropylene oxide dimer acid (HFPO-DA) (ppt) | 370 ppt (ng/l) | No conversion necessary | 370 | N/A | Discharge and waste from industrial facilities utilizing the Gen X chemical process | Some people who drink water containing HFPO-DA in excess of the MCL could experience problems with their liver. Some fetuses of pregnant women and infants born to mothers who drink water containing HFPO-DA in excess of the MCL may experience developmental effects. |
| Perfluorobutane sulfonic acid (PFBS) (ppt) | 420 ppt (ng/l) | No conversion necessary | 420 | N/A | Discharge and waste from industrial facilities; stain-resistant treatments | Some infants born to mothers who drink water containing PFBS in excess of the MCL may experience decreased thyroid hormone levels. |
| Perfluorohexane sulfonic acid (PFHxS) (ppt) | 51 ppt (ng/l) | No conversion necessary | 51 | N/A | Firefighting foam; discharge and waste from industrial facilities | Some people who drink water containing PFHxS in excess of the MCL could experience problems with their thyroid, liver, and cholesterol levels. |
| Perfluorohexanoic acid (PFHxA) (ppt) | 400,000 ppt (ng/l) | No conversion necessary | 400,000 | N/A | Firefighting foam; discharge and waste from industrial facilities | Some people who drink water containing PFHxA in excess of the MCL could experience problems with their liver and kidneys. |
| Perfluorononanoic acid (PFNA) (ppt) | 6 ppt (ng/l) | No conversion necessary | 6 | N/A | Discharge and waste from industrial facilities; breakdown of precursor compounds | Some fetuses of pregnant women and infants born to mothers who drink water containing PFNA in excess of the MCL may experience developmental delays and decreased body weight gain. |</p>
<table>
<thead>
<tr>
<th>Contaminant in CCR units</th>
<th>Traditional MCL in mg/l, except where noted</th>
<th>To convert for CCR, multiply by</th>
<th>MCL in CCR units</th>
<th>MCLG in CCR units</th>
<th>Major sources in drinking water</th>
<th>Health effects language</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Perfluorooctane sulfonic acid (PFOS) (ppt)</strong></td>
<td>16 ppt (ng/l)</td>
<td>No conversion necessary</td>
<td>16</td>
<td>N/A</td>
<td>Firefighting foam; discharge from electroplating facilities; discharge and waste from industrial facilities</td>
<td>Some fetuses of pregnant women and infants born to mothers who drink water containing PFOS in excess of the MCL may experience developmental delays and decreased body weight gain.</td>
</tr>
<tr>
<td><strong>Perfluorooctanoic acid (PFOA) (ppt)</strong></td>
<td>8 ppt (ng/l)</td>
<td>No conversion necessary</td>
<td>8</td>
<td>N/A</td>
<td>Discharge and waste from industrial facilities; stain-resistant treatments</td>
<td>Some fetuses of pregnant women and infants born to mothers who drink water containing PFOA in excess of the MCL may experience neurodevelopmental effects and skeletal effects.</td>
</tr>
<tr>
<td><strong>Volatile organic contaminants</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Benzene (ppb)</strong></td>
<td>0.005</td>
<td>1000</td>
<td>5</td>
<td>zero</td>
<td>Discharge from factories; leaching from gas storage tanks and landfills</td>
<td>Some people who drink water containing benzene in excess of the MCL over many years could experience anemia or a decrease in blood platelets, and may have an increased risk of getting cancer.</td>
</tr>
<tr>
<td><strong>Carbon tetrachloride (ppb)</strong></td>
<td>0.005</td>
<td>1000</td>
<td>5</td>
<td>zero</td>
<td>Discharge from chemical plants and other industrial activities</td>
<td>Some people who drink water containing carbon tetrachloride in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer.</td>
</tr>
<tr>
<td><strong>Chlorobenzene (ppb)</strong></td>
<td>0.1</td>
<td>1000</td>
<td>100</td>
<td>100</td>
<td>Discharge from chemical and agricultural chemical factories</td>
<td>Some people who drink water containing chlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys.</td>
</tr>
<tr>
<td><strong>O-dichlorobenzene (ppb)</strong></td>
<td>0.6</td>
<td>1000</td>
<td>600</td>
<td>600</td>
<td>Discharge from industrial chemical factories</td>
<td>Some people who drink water containing o-dichlorobenzene well in excess of the MCL over many years could experience problems with their liver, kidneys, or circulatory systems.</td>
</tr>
<tr>
<td><strong>P-dichlorobenzene (ppb)</strong></td>
<td>0.075</td>
<td>1000</td>
<td>75</td>
<td>75</td>
<td>Discharge from industrial chemical factories</td>
<td>Some people who drink water containing p-dichlorobenzene in excess of the MCL over many years could experience anemia, damage to their liver, kidneys, or spleen, or changes in their blood.</td>
</tr>
<tr>
<td><strong>1,2-dichloroethane (ppb)</strong></td>
<td>0.005</td>
<td>1000</td>
<td>5</td>
<td>zero</td>
<td>Discharge from industrial chemical factories</td>
<td>Some people who drink water containing 1,2-dichloroethane in excess of the MCL over many years may have an increased risk of getting cancer.</td>
</tr>
<tr>
<td><strong>1,1-dichloroethylene (ppb)</strong></td>
<td>0.007</td>
<td>1000</td>
<td>7</td>
<td>7</td>
<td>Discharge from industrial chemical factories</td>
<td>Some people who drink water containing 1,1-dichloroethylene in excess of the MCL over many years could experience problems with their liver.</td>
</tr>
<tr>
<td><strong>Cis-1,2-dichloroethylene (ppb)</strong></td>
<td>0.07</td>
<td>1000</td>
<td>70</td>
<td>70</td>
<td>Discharge from industrial chemical factories</td>
<td>Some people who drink water containing cis-1,2-dichloroethylene in excess of the MCL over many years could experience problems with their liver.</td>
</tr>
<tr>
<td>Contaminant in CCR units</td>
<td>Traditional MCL in mg/l, except where noted</td>
<td>To convert for CCR, multiply by</td>
<td>MCL in CCR units</td>
<td>MCLG in CCR units</td>
<td>Major sources in drinking water</td>
<td>Health effects language</td>
</tr>
<tr>
<td>-------------------------</td>
<td>------------------------------------------</td>
<td>-------------------------------</td>
<td>-----------------</td>
<td>------------------</td>
<td>-------------------------------</td>
<td>------------------------</td>
</tr>
<tr>
<td>Trans-1,2-dichloroethylene (ppb)</td>
<td>0.1</td>
<td>1000</td>
<td>100</td>
<td>100</td>
<td>Discharge from industrial chemical factories</td>
<td>Some people who drink water containing trans-1,2-dichloroethylene well in excess of the MCL over many years could experience problems with their liver.</td>
</tr>
<tr>
<td>Dichloromethane (ppb)</td>
<td>0.005</td>
<td>1000</td>
<td>5</td>
<td>zero</td>
<td>Discharge from pharmaceutical and chemical factories</td>
<td>Some people who drink water containing dichloromethane in excess of the MCL over many years could have liver problems and may have an increased risk of getting cancer.</td>
</tr>
<tr>
<td>1,2-dichloropropane (ppb)</td>
<td>0.005</td>
<td>1000</td>
<td>5</td>
<td>zero</td>
<td>Discharge from industrial chemical factories</td>
<td>Some people who drink water containing 1,2-dichloropropane in excess of the MCL over many years may have an increased risk of getting cancer.</td>
</tr>
<tr>
<td>Ethylbenzene (ppb)</td>
<td>0.7</td>
<td>1000</td>
<td>700</td>
<td>700</td>
<td>Discharge from petroleum refineries</td>
<td>Some people who drink water containing ethylbenzene well in excess of the MCL over many years could experience problems with their liver or kidneys.</td>
</tr>
<tr>
<td>Styrene (ppb)</td>
<td>0.1</td>
<td>1000</td>
<td>100</td>
<td>100</td>
<td>Discharge from rubber and plastic factories; leaching from landfills</td>
<td>Some people who drink water containing styrene well in excess of the MCL over many years could have problems with their liver, kidneys, or circulatory system.</td>
</tr>
<tr>
<td>Tetrachloroethylene (ppb)</td>
<td>0.005</td>
<td>1000</td>
<td>5</td>
<td>zero</td>
<td>Discharge from factories and dry cleaners</td>
<td>Some people who drink water containing tetrachloroethylene in excess of the MCL over many years could have problems with their liver, and may have an increased risk of getting cancer.</td>
</tr>
<tr>
<td>Toluene (ppm)</td>
<td>1</td>
<td>No conversion necessary</td>
<td>1</td>
<td>1</td>
<td>Discharge from petroleum factories</td>
<td>Some people who drink water containing toluene well in excess of the MCL over many years could have problems with their nervous system, kidneys, or liver.</td>
</tr>
<tr>
<td>1,2,4-trichlorobenzene (ppb)</td>
<td>0.07</td>
<td>1000</td>
<td>70</td>
<td>70</td>
<td>Discharge from textile-finishing factories</td>
<td>Some people who drink water containing 1,2,4-trichlorobenzene well in excess of the MCL over many years could experience changes in their adrenal glands.</td>
</tr>
<tr>
<td>1,1,1-trichloroethane (ppb)</td>
<td>0.2</td>
<td>1000</td>
<td>200</td>
<td>200</td>
<td>Discharge from metal degreasing sites and other factories</td>
<td>Some people who drink water containing 1,1,1-trichloroethane in excess of the MCL over many years could experience problems with their liver, nervous system, or circulatory system.</td>
</tr>
<tr>
<td>1,1,2-trichloroethane (ppb)</td>
<td>0.005</td>
<td>1000</td>
<td>5</td>
<td>3</td>
<td>Discharge from industrial chemical factories</td>
<td>Some people who drink water containing 1,1,2-trichloroethane well in excess of the MCL over many years could have problems with their liver, kidneys, or immune systems.</td>
</tr>
<tr>
<td>Trichloroethylene (ppb)</td>
<td>0.005</td>
<td>1000</td>
<td>5</td>
<td>zero</td>
<td>Discharge from metal degreasing sites and other factories</td>
<td>Some people who drink water containing trichloroethylene in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer.</td>
</tr>
</tbody>
</table>
### Contaminant in CCR units

<table>
<thead>
<tr>
<th>Contaminant in CCR units</th>
<th>Traditional MCL in mg/l, except where noted</th>
<th>To convert for CCR, multiply by</th>
<th>MCL in CCR units</th>
<th>MCLG in CCR units</th>
<th>Major sources in drinking water</th>
<th>Health effects language</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vinyl chloride (ppb)</td>
<td>0.002</td>
<td>1000</td>
<td>2</td>
<td>zero</td>
<td>Leaching from PVC piping; discharge from plastics factories</td>
<td>Some people who drink water containing vinyl chloride in excess of the MCL over many years may have an increased risk of getting cancer.</td>
</tr>
<tr>
<td>Xylenes [total] (ppm)</td>
<td>10</td>
<td>No conversion necessary</td>
<td>10</td>
<td>10</td>
<td>Discharge from petroleum factories; discharge from chemical factories</td>
<td>Some people who drink water containing xylenes in excess of the MCL over many years could experience damage to their nervous system.</td>
</tr>
</tbody>
</table>

### Radioactive contaminants

| Beta/photon emitters (mrem/yr) | 4 mrem/yr | No conversion necessary | 4 | zero | Decay of natural and man-made deposits | Certain minerals are radioactive and may emit forms of radiation known as photons and beta radiation. Some people who drink water containing beta particle and photon radioactivity in excess of the MCL over many years may have an increased risk of getting cancer. |
| Alpha emitters [gross alpha] (pci/l) | 15 pci/L | No conversion necessary | 15 | zero | Erosion of natural deposits | Certain minerals are radioactive and may emit a form of radiation known as alpha radiation. Some people who drink water containing alpha emitters in excess of the MCL over many years may have an increased risk of getting cancer. |
| Combined radium [226 & 228] (pci/l) | 5 pci/L | No conversion necessary | 5 | zero | Erosion of natural deposits | Some people who drink water containing radium 226 or 228 in excess of the MCL over many years may have an increased risk of getting cancer. |
| Uranium (pCi/L) | 30 ug/L | No conversion necessary | 30 | Zero | Erosion of natural deposits | Some people who drink water containing uranium in excess of the MCL over many years may have an increased risk of getting cancer and kidney toxicity. |

### Disinfection byproducts (DBP), byproduct precursors, and disinfectant residuals:

- where disinfection is used with organic and inorganic matter present in water to form chemicals called disinfection byproducts (DBP). The department sets standards for controlling the levels of disinfectants and DBP in drinking water, including trihalomethanes (THM) and haloacetic acids (HAA). See R 325.10610 to R 325.10610d and R 325.10719n for disinfection byproduct MCLs, disinfectant MRDLs, and related monitoring requirements.

| Total trihalomethanes [TTHM] (ppb) | 0.080* | 1000 | 80* | N/A | By-product of drinking water disinfection | Some people who drink water containing trihalomethanes in excess of the MCL over many years may experience problems with their liver, kidneys, or central nervous system, and may have an increased risk of getting cancer. |
| * The MCL for total trihalomethanes is the sum of the concentrations of the individual trihalomethanes. |

| Haloacetic acids (HAAAs) (ppb) | 0.060* | 1000 | 60* | N/A | By-product of drinking water disinfection | Some people who drink water containing haloacetic acids in excess of the MCL over many years may have an increased risk of getting cancer. |
| * The MCL for haloacetic acids is the sum of the concentrations of the individual haloacetic acids. |

<p>| Bromate (ppb) | 0.010 | 1000 | 10 | zero | By-product of drinking water disinfection | Some people who drink water containing bromate in excess of the MCL over many years may have an increased risk of getting cancer. |</p>
<table>
<thead>
<tr>
<th>Contaminant in CCR units</th>
<th>Traditional MCL in mg/l, except where noted</th>
<th>To convert for CCR, multiply by</th>
<th>MCL in CCR units</th>
<th>MCLG in CCR units</th>
<th>Major sources in drinking water</th>
<th>Health effects language</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chloramines (ppm)</td>
<td>MRDL = 4</td>
<td>No conversion necessary</td>
<td>MRDL = 4</td>
<td>MRDLG = 4</td>
<td>Water additive used to control microbes</td>
<td>Some people who use water containing chloramines well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water containing chloramines well in excess of the MRDL could experience stomach discomfort or anemia.</td>
</tr>
<tr>
<td>Chlorine (ppm)</td>
<td>MRDL = 4</td>
<td>No conversion necessary</td>
<td>MRDL = 4</td>
<td>MRDLG = 4</td>
<td>Water additive used to control microbes</td>
<td>Some people who use water containing chlorine well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water containing chlorine well in excess of the MRDL could experience stomach discomfort.</td>
</tr>
<tr>
<td>Chlorite (ppm)</td>
<td>1</td>
<td>No conversion necessary</td>
<td>1</td>
<td>0.8</td>
<td>By-product of drinking water disinfection</td>
<td>Some infants and young children who drink water containing chlorite in excess of the MCL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorite in excess of the MCL. Some people may experience anemia.</td>
</tr>
<tr>
<td>Clorine dioxide (ppb)</td>
<td>MRDL = 0.8</td>
<td>1000</td>
<td>MRDL = 800</td>
<td>MRDLG = 800</td>
<td>Water additive used to control microbes</td>
<td>Some infants and young children who drink water containing chlorine dioxide in excess of the MRDL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorine dioxide in excess of the MRDL. Some people may experience anemia.</td>
</tr>
</tbody>
</table>

Add the following only to public notification where any 2 consecutive daily samples taken at the entrance to the distribution system are above the MRDL: "The chlorine dioxide violations reported today are the result of exceedances at the treatment facility only, not within the distribution system which delivers water to consumers. Continued compliance with chlorine dioxide levels within the distribution system minimizes the potential risk of these violations to consumers."

Add the following only to public notification where 1 or more distribution system samples are above the MRDL: "The chlorine dioxide violations reported today include exceedances of the drinking water standard within the distribution system which delivers water to consumers. Violations of the chlorine dioxide standard within the distribution system may harm human health based on short-term exposures. Certain groups, including fetuses, infants, and young children, may be especially susceptible to nervous system effects from excessive chlorine dioxide exposure."

Total organic carbon (TOC - control of DBP precursors) (ppm) | TT | No conversion necessary | TT | None | Naturally present in the environment | Total organic carbon (TOC) has no health effects. However, total organic carbon provides a medium for the formation of disinfection byproducts. These byproducts include trihalomethanes (THM) and haloacetic acids (HAA). Drinking water containing these byproducts in excess of the MCL may lead to adverse health effects, liver or kidney problems, or nervous system effects, and may lead to an increased risk of getting cancer. |

Other treatment techniques
<table>
<thead>
<tr>
<th>Contaminant in CCR units</th>
<th>Traditional MCL in mg/l, except where noted</th>
<th>To convert for CCR, multiply by</th>
<th>MCL in CCR units</th>
<th>MCLG in CCR units</th>
<th>Major sources in drinking water</th>
<th>Health effects language</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acrylamide</td>
<td>TT</td>
<td>No conversion necessary</td>
<td>TT</td>
<td>zero</td>
<td>Added to water during sewage/wastewater treatment</td>
<td>Some people who drink water containing high levels of acrylamide over a long period of time could have problems with their nervous system or blood, and may have an increased risk of getting cancer.</td>
</tr>
<tr>
<td>Epichlorohydrin</td>
<td>TT</td>
<td>No conversion necessary</td>
<td>TT</td>
<td>zero</td>
<td>Discharge from industrial chemical factories; an impurity of some water treatment chemicals</td>
<td>Some people who drink water containing high levels of epichlorohydrin over a long period of time could experience stomach problems, and may have an increased risk of getting cancer.</td>
</tr>
</tbody>
</table>
PART 6. STATE DRINKING WATER STANDARDS AND ANALYTICAL METHODS

R 325.10604g  MCLs for per- and polyfluoroalkyl substances.
   Rule 604g. (1) The maximum contaminant levels and effective dates for per- and polyfluoroalkyl
   substances in table 1 of this rule apply to community and nontransient noncommunity water
   supplies.

   Table 1 MCLs for per and polyfluoroalkyl substances
<table>
<thead>
<tr>
<th>Contaminant</th>
<th>Maximum Contaminant Level in ng/l</th>
<th>Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hexafluoropropylene oxide dimer acid (HFPO-DA)</td>
<td>370</td>
<td>[effective date of this rule]</td>
</tr>
<tr>
<td>Perfluorobutane sulfonic acid (PFBS)</td>
<td>420</td>
<td>[effective date of this rule]</td>
</tr>
<tr>
<td>Perfluorohexane sulfonic acid (PFHxS)</td>
<td>51</td>
<td>[effective date of this rule]</td>
</tr>
<tr>
<td>Perfluorohexanoic acid (PFHxA)</td>
<td>400,000</td>
<td>[effective date of this rule]</td>
</tr>
<tr>
<td>Perfluorononanoic acid (PFNA)</td>
<td>6</td>
<td>[effective date of this rule]</td>
</tr>
<tr>
<td>Perfluoroctane sulfonic acid (PFOS)</td>
<td>16</td>
<td>[effective date of this rule]</td>
</tr>
<tr>
<td>Perfluoroctanoic acid (PFOA)</td>
<td>8</td>
<td>[effective date of this rule]</td>
</tr>
</tbody>
</table>

(2) Compliance with the MCLs in table 1 of this rule must be determined based on the analytical
results obtained at each sampling point. If 1 sampling point is in violation of an MCL, then the
supply is in violation of the MCL. All of the following provisions apply:

(a) For supplies monitoring more than once per year, compliance with the MCL is determined
by a running annual average at each sampling point.

(b) Supplies monitoring annually whose sample result exceeds an MCL in table 1 of this rule
shall begin quarterly sampling. Compliance with the MCL must be based on the running annual
average. For the purpose of calculating the running annual average, the initial exceedance must
be the result for the first quarter. If the department requires a confirmation sample under
R 325.10717d(12), then the average of the initial exceedance and the confirmation sample must be
the result for the first quarter, unless the department determines a sample should be excluded per
R 325.10717d(12). The supply shall not be in violation of the MCL until it has completed 1 year of
quarterly sampling.
(c) If any sample result causes the running annual average to exceed the MCL at any sampling point, then the supply is out of compliance with the MCL immediately.

(d) If a supply fails to collect the required number of samples, then compliance must be based on the total number of samples collected.

(e) If a sample result is less than the reporting limit, then zero must be used to calculate the annual average.

PART 7. SURVEILLANCE, INSPECTION, AND MONITORING

R 325.10717d Collection and analysis of samples for per- and polyfluoroalkyl substances.

Rule 717d. (1) Suppliers of community and nontransient noncommunity water supplies shall collect samples and cause analyses to be made under this rule for per- and polyfluoroalkyl substances to determine compliance with the state drinking water standards in R 325.10604g. Each supplier shall monitor at the time designated by the department.

(2) For transient noncommunity and type III public water supplies, the department may require samples to be collected and analyzed at prescribed frequencies for per- and polyfluoroalkyl substances.

(3) A groundwater supplier shall take at least 1 sample at every entry point to the distribution system that is representative of each well after treatment, also known as sampling point. Each sample must be taken at the same sampling point unless conditions make another sampling point more representative of each source or treatment plant.

(4) A surface water supplier, or combined surface water and ground water, shall take at least 1 sample at points in the distribution system that are representative of each source or at each entry point to the distribution system after treatment, also known as sampling point. Each sample must be taken at the same sampling point unless conditions make another sampling point more representative of each source or treatment plant.

(5) If a system draws water from more than 1 source and the sources are combined before distribution, then the supplier shall sample at an entry point to the distribution system during periods of normal operating conditions when water that is representative of all sources is being used.

(6) An existing supplier with one or more samples taken at each sampling point described in subrules (3), (4), or (5) of this rule as part of the State of Michigan’s 2018/2019 Statewide PFAS Survey shall conduct initial sampling as follows:

(a) A supplier with one or more sample results greater than 50% of the MCL for a contaminant listed in rule 10604g shall collect samples from each sampling point beginning the first full quarter following the effective date of this rule.

(b) A supplier with no detection or a detection less than or equal to 50% of the MCL for a contaminant listed in rule 10604g shall collect at least 1 sample from each sampling point within 6 months of the effective date of this rule.
(7) An existing supplier without sampling conducted under subrule (6) of this rule, shall collect samples beginning the first full quarter following the effective date of this rule.

(8) A new community or nontransient noncommunity water supply shall collect samples beginning the first full quarter following the initiation of operations.

(9) If the results of samples collected under subrules (6), (7), or (8) of this rule are below the reporting limits specified in R 325.12708, the department may allow the water supply to monitor annually.

(10) If a contaminant in R 325.10604g is detected above the reporting limit in any sample, then all of the following provisions apply:

(a) Each supply shall monitor quarterly at each sampling point that resulted in a detection. The department may decrease the quarterly monitoring requirement specified in this subrule if it has determined that the supply is reliably and consistently below the MCL. A groundwater supplier shall take not fewer than 2 quarterly samples and a surface water supplier shall take not fewer than 4 quarterly samples before this determination.

(b) After the department determines that the supply is reliably and consistently below the MCL, the department may allow the supply to monitor annually.

(11) A supplier that violates R 325.10604g shall monitor quarterly. If not fewer than 4 quarterly samples show that the supply is in compliance and the department determines the supply is reliably and consistently below the MCL, then the department may allow the supply to monitor annually.

(12) The department may require confirmation sampling for positive or negative results. If confirmation sampling is required, then the results must be averaged with the first sampling result and the average must be used for the compliance determination. The department may exclude results of obvious sampling errors from this calculation.

(13) The department may increase the required monitoring to detect variations within the system.

(14) All new supplies or supplies that use a new source of water shall demonstrate compliance with the MCLs before serving water to the public. The supply shall also comply with the initial sampling frequencies specified by the department.

PART 27. LABORATORY CERTIFICATION

R 325.12701 Purpose.
Rule 2701. An analytical result that is used to determine compliance with a state drinking water standard established in part 6 shall be the result of an analysis performed by a department or EPA certified laboratory, except that measurements for alkalinity, bromide, calcium, daily chlorite samples at the entrance to the distribution system, conductivity, magnesium, orthophosphate, pH, residual disinfectant concentration, silica, specific ultraviolet absorbance, temperature, chloride, sulfate, and turbidity may be performed by personnel acceptable to the department. This part sets forth requirements established by the federal act for laboratory certification.

R 325.12708 Certification for PFAS analyses.
Rule 2708. To qualify for certification to conduct analyses for the PFASs in table 1 of R 325.10604g, a laboratory must be in compliance with the following provisions:

(a) Samples must be collected and analyzed in accordance with EPA method 537.1 or other methods as approved by the department.
(b) The minimum reporting limit must be 2 ng/l.
(c) Analytical results must be reported to the nearest ng/l.
(d) The laboratory must analyze performance evaluation samples that include the PFASs in table 1 of this rule and are acquired from a third party proficiency test provider approved by the department at least once per year.
(e) For each regulated PFAS contaminant included in the performance evaluation sample, the laboratory must achieve quantitative results on the analyses that are within the acceptance limits listed in table 1 of this rule.

Table 1  Acceptance limits

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<th>Acceptance Limits (percent)</th>
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¹Gravimetric value

R 325.12710 Suspension or revocation of certification.

Rule 2710. (1) If the department determines that a laboratory certified under the act and these rules is not operating in an approved manner, is reporting results that do not meet state laboratory certification requirements, or is operating in a manner that may cause a hazard to the public health, the department may move to suspend or revoke the certification of the laboratory pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(2) Reasons for suspension of a laboratory’s certification, in part or whole, or the denial of an initial certification request include, but are not limited to the following:

(a) Failure to pay certification fees.
(b) Failure to pass a laboratory inspection.
(c) Failure to meet proficiency test requirements.
(d) Failure to respond to a laboratory inspection report within the allotted timeframe.
(e) Persistent failure to report compliance data to the public water system or the state drinking water program in a timely manner, thereby preventing timely compliance determination with federal or state regulations and endangering public health.
(f) Failure to correct deficiencies noted in an on-site inspection report.
(g) Refusal to participate in an on-site inspection conducted by the certifying agency.
(h) Failure to make records pertaining to the analysis of regulated drinking water contaminants available for review or copying by the laboratory certification program.

(3) Suspension of a laboratory’s certification remains in effect until the laboratory provides documentation that the reason or reasons for the suspension have been corrected.

(4) Reasons for revocation of a laboratory’s certification include but are not limited to:
(a) Falsification of the certification application or certification renewal application.
(b) Fraud or other criminal activity.
(c) Falsification of records or analytical results.
(d) Reporting results not meeting the federal act, the act and administrative rules promulgated thereunder, or method requirements.
(e) Reporting proficiency test data from another laboratory as its own.
(f) Using analytical methodology not listed on the laboratory’s certification letter for reporting regulated drinking water contaminants.
(g) A written notification from the laboratory that it is voluntarily relinquishing certification.
NOTICE OF PUBLIC HEARING

Department of Environment, Great Lakes and Energy
Drinking Water and Environmental Health Division
Administrative Rules for Supplying Water to the Public
Rule Set 2019-35 EG

NOTICE OF PUBLIC HEARING
Wednesday, January 8, 2020
05:00 PM
Grand Valley State University, L.V. Eberhard Center- Room EC 215
301 West Fulton, Grand Rapids, MI 49504

The Department of Environment, Great Lakes and Energy will hold a public hearing to receive public comments on proposed changes to the Supplying Water to the Public rule set.

Additional public hearings will be held on January 14, 2020 at 5:00 p.m. to 8:00 p.m., at Washtenaw Community College, Morris Lawrence Building, Towsley Auditorium, 4800 East Huron River Drive, Ann Arbor, Michigan and on January 16, 2020 at 5:00 p.m. to 8:00 p.m., at the Ralph A. Macmullan (RAM) Conference Center, Au Sable Classroom, 104 Conservation Drive, Roscommon, Michigan.

The proposed rule set (2019-35 EG) will amend the current rules to provide provisions that reduce exposure to several per- and polyfluoroalkyl substances (PFAS) in drinking water. The provisions include establishment of drinking water standards, sampling requirements, public notification requirements, and laboratory certification criteria.

These rules are promulgated by authority conferred on the Director of EGLE by Section 5 of the Safe Drinking Water Act, 1976 PA 399, as amended (Act 399), identified as R 325.10101 through R 325.12820. These rules will take effect 7 Days after filing with the Secretary of State. The rules are published on the Michigan Government web site at http://www.michigan.gov/moahr and in the Michigan Register in the 1/1/2020 issue. Copies of the draft rules may also be obtained by mail or electronic transmission at the following address:

Department of Environment, Great Lakes and Energy
Drinking Water and Environmental Health Division

Drinking Water and Environmental Health Division, Michigan Department of Environment, Great Lakes,
and Energy, Attn: Suzann Ruch
PO Box 30817, Lansing, Michigan 48909-8311, Fax: 517-241-1328
Email: EGLE-PFAS-RuleMaking@Michigan.gov

Comments on the rules may be made in person at the hearing or by mail or electronic mail until 1/31/2020 at 05:00PM.

The public hearing will be conducted in compliance with the 1990 Americans with Disabilities Act, in accessible buildings with handicap parking available. Anyone needing assistance to take part in the hearings due to disability may call 517-284-6544 to make arrangements.
MICHIGAN ADMINISTRATIVE CODE TABLE
(2019 SESSION)

MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

*          *          *

“(2) The office of regulatory reform shall publish a cumulative index for the Michigan register.”

The following table cites administrative rules promulgated during the year 2019, and indicates the effect of these rules on the Michigan Administrative Code (1979 ed.).
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(* Amendment to Rule, A Added Rule, N New Rule, R Rescinded Rule)
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(* Amendment to Rule, A Added Rule, N New Rule, R Rescinded Rule)
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Part 18. Prevention of Significant Deterioration of Air Quality (2019-1)
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Mich. Const. Art. IV, §33 provides: “Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law . . . If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he disapproves . . . he shall return it within such 14-day period with his objections, to the house in which it originated.”

Mich. Const. Art. IV, §27, further provides: “No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.”

MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.

(c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.”
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<th>PA No.</th>
<th>ENROLLED</th>
<th>I.E.*</th>
<th>Governor Approved</th>
<th>Filed Date</th>
<th>Effective Date</th>
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<td>3/21/2019</td>
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<td>Courts; district court; ninety-fifth-a district court; restore.</td>
<td>(Sen. Ed McBroom)</td>
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<td>7/2/2019</td>
<td>Civil procedure; evictions; writ of restitution; allow to be executed by a court officer, bailiff, or deputy sheriff.</td>
<td>(Sen. Peter J. Lucido)</td>
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<td>Medical marihuana; licenses; definition of applicant; modify.</td>
<td>(Sen. Michael D. MacDonald)</td>
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<td>7/23/2019</td>
<td>Highways; memorial; portion of M-53; designate as the &quot;Chief Petty Officer Jason Freiwald Memorial Highway&quot;.</td>
<td>(Rep. Jeff Yaroch)</td>
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<td>Education; employees; performance evaluation systems for school administrators; modify.</td>
<td>(Sen. Ken Horn)</td>
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<td>4/30/2019</td>
<td>Education; teachers; performance evaluation systems for public school teachers and school administrators; modify.</td>
<td>(Sen. Ken Horn)</td>
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<td>8/7/2019</td>
<td>Criminal procedure; forfeiture; asset forfeiture; require a criminal conviction before proceeding.</td>
<td>(Sen. Peter J. Lucido)</td>
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<td>(Rep. Jason Wentworth)</td>
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* - I.E. means Legislature voted to give the Act immediate effect.
** - Act takes effect on the 91st day after sine die adjournment of the Legislature.
*** - See Act for applicable effective date.
+ - Line item veto.
++ - Pocket veto.
# - Tie bar.
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<td>0009</td>
<td>4002</td>
<td>Yes</td>
<td>5/9/2019</td>
<td>5/9/2019</td>
<td>8/7/2019</td>
<td># Criminal procedure; forfeiture; certain procedures for forfeiture in controlled substance cases; amend. (Rep. David LaGrand)</td>
</tr>
<tr>
<td>0010</td>
<td>4286</td>
<td>Yes</td>
<td>5/9/2019</td>
<td>5/10/2019</td>
<td>5/10/2019</td>
<td>+ Civil procedure; remedies; reporting requirements related to candidates eligible for compensation for wrongful imprisonment; provide for, and make an appropriation. (Rep. Steven Johnson)</td>
</tr>
<tr>
<td>0011</td>
<td>4206</td>
<td>Yes</td>
<td>5/10/2019</td>
<td>5/13/2019</td>
<td>5/13/2019</td>
<td>School aid; penalties; exception to minimum days of pupil instruction for school district closure during a declared state of emergency; provide for. (Rep. Ben Frederick)</td>
</tr>
<tr>
<td>0013</td>
<td>4129</td>
<td>Yes</td>
<td>5/22/2019</td>
<td>5/23/2019</td>
<td>8/21/2019</td>
<td># Corrections; parole; procedures for parole of prisoner who is determined to be medically frail; revise. (Rep. Beau LaFave)</td>
</tr>
<tr>
<td>0015</td>
<td>4131</td>
<td>Yes</td>
<td>5/22/2019</td>
<td>5/23/2019</td>
<td>8/21/2019</td>
<td>Crimes; penalties; penalties related to a parolee in a medical facility; provide for. (Rep. Beth Griffin)</td>
</tr>
<tr>
<td>0017</td>
<td>0155</td>
<td>Yes</td>
<td>6/4/2019</td>
<td>6/4/2019</td>
<td>9/2/2019</td>
<td>Tobacco; retail sales; sellers of liquid nicotine containers to ensure that the products meet certain requirements; require, and restrict customer access to certain products. (Sen. Marshall Bullock)</td>
</tr>
<tr>
<td>0018</td>
<td>0106</td>
<td>Yes</td>
<td>6/4/2019</td>
<td>6/4/2019</td>
<td>9/2/2019</td>
<td>Tobacco; retail sales; sale of electronic cigarette or any oral device that provides vapor nicotine to minors; prohibit, require sellers of liquid nicotine containers to ensure that the products meet certain requirements, and provide for other general amendments. (Sen. Rick Outman)</td>
</tr>
</tbody>
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<tr>
<td>0023</td>
<td>4055</td>
<td>Yes</td>
<td>6/18/2019</td>
<td>6/18/2019</td>
<td>9/16/2019</td>
<td>Land use; land division; tax payment certification prior to approval of land division; require. (Rep. Bradley Slagh)</td>
</tr>
<tr>
<td>0025</td>
<td>0239</td>
<td>Yes</td>
<td>6/18/2019</td>
<td>6/18/2019</td>
<td>6/18/2019</td>
<td>Occupations; mortuary science; students engaging in practice of mortuary science under supervision of a licensee; allow. (Sen. Stephanie Chang)</td>
</tr>
<tr>
<td>0026</td>
<td>4304</td>
<td>Yes</td>
<td>6/20/2019</td>
<td>6/20/2019</td>
<td>6/20/2019 #</td>
<td>Family law; marriage and divorce; health care coverage for a child in a judgment for divorce; clarify. (Rep. Hank Vaupel)</td>
</tr>
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<tr>
<td>0029</td>
<td>4101</td>
<td>Yes</td>
<td>6/25/2019</td>
<td>6/25/2019</td>
<td>Economic development; downtown development authorities; membership appointed to the downtown development authority board; modify. (Rep. Ben Frederick)</td>
<td></td>
</tr>
<tr>
<td>0030</td>
<td>4249</td>
<td>Yes</td>
<td>6/25/2019</td>
<td>6/25/2019</td>
<td>Communications; emergency 9-1-1; requirement that 9-1-1 service users with a multiline telephone system install additional equipment; eliminate, and rescind administrative rules. (Rep. Michele Hoitenga)</td>
<td></td>
</tr>
<tr>
<td>0032</td>
<td>0129</td>
<td>Yes</td>
<td>6/25/2019</td>
<td>6/25/2019</td>
<td>Aeronautics; unmanned aircraft systems; local ordinances; allow a political subdivision to regulate unmanned aircraft systems in certain circumstances. (Sen. Wayne A. Schmidt)</td>
<td></td>
</tr>
<tr>
<td>0033</td>
<td>0192</td>
<td>Yes</td>
<td>6/25/2019</td>
<td>6/25/2019</td>
<td>Vehicles; driver training; waiver of night driving requirement for individuals holding a graduated driver license; provide for under certain conditions. (Sen. Roger Victory)</td>
<td></td>
</tr>
<tr>
<td>0034</td>
<td>0193</td>
<td>Yes</td>
<td>6/25/2019</td>
<td>6/25/2019</td>
<td>Vehicles; driver training; waiver of night driving requirement for a segment 2 curriculum course; provide for under certain conditions. (Sen. Roger Victory)</td>
<td></td>
</tr>
<tr>
<td>0035</td>
<td>4121</td>
<td>Yes</td>
<td>6/26/2019</td>
<td>6/26/2019</td>
<td>Property tax; delinquent taxes; authority of county treasurers to enter tax foreclosure avoidance agreements; eliminate sunset. (Rep. Wendell Byrd)</td>
<td></td>
</tr>
<tr>
<td>0036</td>
<td>0200</td>
<td>Yes</td>
<td>6/26/2019</td>
<td>6/26/2019</td>
<td>Health; other; opioid antagonists; allow prescribers to prescribe and pharmacists to dispense to public libraries under certain circumstances. (Sen. Paul Wojno)</td>
<td></td>
</tr>
<tr>
<td>0037</td>
<td>0282</td>
<td>Yes</td>
<td>6/26/2019</td>
<td>6/26/2019</td>
<td>Health facilities; emergency medical services; protocol related to the use of opioid antagonists by life support agencies and emergency medical services personnel; remove. (Sen. Curtis S. VanderWall)</td>
<td></td>
</tr>
<tr>
<td>0038</td>
<td>0283</td>
<td>Yes</td>
<td>6/26/2019</td>
<td>6/26/2019</td>
<td>Education; school districts; authority of school districts and school employees to administer opioid antagonists in the revised school code; repeal. (Sen. Peter J. Lucido)</td>
<td></td>
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<tr>
<td>0041</td>
<td>0112</td>
<td>Yes</td>
<td>No</td>
<td>7/1/2019</td>
<td>7/1/2019</td>
<td>Property; other; entry by owner to evict; modify process. (Sen. Peter J. Lucido)</td>
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<tr>
<td>0043</td>
<td>4225</td>
<td>Yes</td>
<td>7/8/2019</td>
<td>7/8/2019</td>
<td>7/8/2019</td>
<td>Health occupations; health professionals; prescribers to obtain a Michigan Automated Prescription System (MAPS) report before prescribing or dispensing a controlled substance; provide exemption for hospice, and exempt hospice patients from bona fide prescriber-patient relationship requirement for prescribing a controlled substance. (Rep. Bronna Kahle)</td>
</tr>
<tr>
<td>0046</td>
<td>4060</td>
<td>Yes</td>
<td>7/8/2019</td>
<td>7/8/2019</td>
<td>10/6/2019</td>
<td>Highways; memorial; portion of M-10; designate as the &quot;Aretha L. Franklin Memorial Highway&quot;. (Rep. Leslie Love)</td>
</tr>
<tr>
<td>0047</td>
<td>4227</td>
<td>Yes</td>
<td>7/8/2019</td>
<td>7/8/2019</td>
<td>10/6/2019</td>
<td>Natural resources; mining; committee on mining future; create as advisory body. (Rep. Sara Cambensy)</td>
</tr>
<tr>
<td>0048</td>
<td>0023</td>
<td>Yes</td>
<td>9/17/2019</td>
<td>9/17/2019</td>
<td>12/16/2019</td>
<td>Crimes; larceny; mail and mail depository protection act; create. (Sen. Jim Runestad)</td>
</tr>
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<td>0049</td>
<td>0024</td>
<td>Yes</td>
<td>9/17/2019</td>
<td>9/17/2019</td>
<td>12/16/2019 #</td>
<td>Criminal procedure; sentencing guidelines; guidelines for mail theft; establish. (Sen. Peter J. Lucido)</td>
</tr>
<tr>
<td>0055</td>
<td>0141</td>
<td>Yes</td>
<td>9/29/2019</td>
<td>9/30/2019</td>
<td>9/30/2019 +</td>
<td>Appropriations; insurance and financial services; department of insurance and financial services; provide for fiscal year 2019-2020. (Sen. Aric Nesbitt)</td>
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<td>0066</td>
<td>0149</td>
<td>Yes</td>
<td>9/29/2019</td>
<td>9/30/2019</td>
<td>9/30/2019</td>
<td>Appropriations; zero budget; state transportation department; provide for fiscal year 2019-2020. (Sen. Wayne A. Schmidt)</td>
</tr>
<tr>
<td>0067</td>
<td>0139</td>
<td>Yes</td>
<td>9/30/2019</td>
<td>9/30/2019</td>
<td>9/30/2019</td>
<td>Appropriations; health and human services; department of health and human services; provide for fiscal year 2019-2020. (Sen. Peter MacGregor)</td>
</tr>
<tr>
<td>0068</td>
<td>0438</td>
<td>Yes</td>
<td>9/30/2019</td>
<td>9/30/2019</td>
<td>9/30/2019</td>
<td>Businesses; business corporations; date for change in certain filing fees under the business corporation act; modify. (Sen. Sean McCann)</td>
</tr>
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<td>0069</td>
<td>0439</td>
<td>Yes</td>
<td>9/30/2019</td>
<td>9/30/2019</td>
<td>9/30/2019</td>
<td>Businesses; nonprofit corporations; annual report fees under the nonprofit corporation act; modify. (Sen. Adam J. Hollier)</td>
</tr>
<tr>
<td>0070</td>
<td>0440</td>
<td>Yes</td>
<td>9/30/2019</td>
<td>9/30/2019</td>
<td>9/30/2019</td>
<td>Businesses; limited liability companies; annual statement fees under the Michigan limited liability company act; modify. (Sen. Jeff Irwin)</td>
</tr>
<tr>
<td>0071</td>
<td>0441</td>
<td>Yes</td>
<td>9/30/2019</td>
<td>9/30/2019</td>
<td>9/30/2019</td>
<td>Occupations; licensing fees; date of change in certain occupational code fees under state license fee act; modify. (Sen. Sylvia Santana)</td>
</tr>
<tr>
<td>0072</td>
<td>0442</td>
<td>Yes</td>
<td>9/30/2019</td>
<td>9/30/2019</td>
<td>9/30/2019</td>
<td>Transportation; other; taxicabs, limousines, and transportation network companies; extend sunset. (Sen. Adam J. Hollier)</td>
</tr>
<tr>
<td>0073</td>
<td>0443</td>
<td>Yes</td>
<td>9/30/2019</td>
<td>9/30/2019</td>
<td>9/30/2019</td>
<td>Trade; securities; date of change in certain fees under the uniform securities act; modify. (Sen. Jeff Irwin)</td>
</tr>
<tr>
<td>0074</td>
<td>0444</td>
<td>Yes</td>
<td>9/30/2019</td>
<td>9/30/2019</td>
<td>9/30/2019</td>
<td>Health facilities; other; certain fees under the public health code; extend sunset. (Sen. Curtis Hertel, Jr.)</td>
</tr>
<tr>
<td>0075</td>
<td>0445</td>
<td>Yes</td>
<td>9/30/2019</td>
<td>9/30/2019</td>
<td>9/30/2019</td>
<td>Health; substance use disorder; fees under the public health code for substance use disorder program license; extend sunset. (Sen. Sylvia Santana)</td>
</tr>
<tr>
<td>0076</td>
<td>0452</td>
<td>Yes</td>
<td>9/30/2019</td>
<td>9/30/2019</td>
<td>9/30/2019</td>
<td>Communications; emergency 9-1-1; disbursement of money in the emergency 9-1-1 fund; modify. (Sen. Jim Stamas)</td>
</tr>
<tr>
<td>0077</td>
<td>4893</td>
<td>Yes</td>
<td>9/30/2019</td>
<td>9/30/2019</td>
<td>9/30/2019</td>
<td>Environmental protection; solid waste; solid waste surcharge; extend sunset. (Rep. Rachel Hood)</td>
</tr>
<tr>
<td>0078</td>
<td>4892</td>
<td>Yes</td>
<td>9/30/2019</td>
<td>9/30/2019</td>
<td>9/30/2019</td>
<td>Law enforcement; fingerprinting; fingerprinting and criminal record check fees; extend sunset. (Rep. Joseph Tate)</td>
</tr>
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<td>0079</td>
<td>4891</td>
<td>Yes</td>
<td>9/30/2019</td>
<td>9/30/2019</td>
<td>9/30/2019</td>
<td>Environmental protection; permits; groundwater discharge permit and sewer expedited permit; extend sunset. (Rep. John Cherry)</td>
</tr>
<tr>
<td>0081</td>
<td>4858</td>
<td>Yes</td>
<td>9/30/2019</td>
<td>9/30/2019</td>
<td>9/30/2019</td>
<td>Watercraft; other; certain commercial lookup service fees; extend sunset. (Rep. Mark Huizenga)</td>
</tr>
<tr>
<td>0082</td>
<td>4857</td>
<td>Yes</td>
<td>9/30/2019</td>
<td>9/30/2019</td>
<td>9/30/2019</td>
<td>Criminal procedure; sex offender registration; sex offender registration fees; extend sunset. (Rep. Aaron Miller)</td>
</tr>
<tr>
<td>0083</td>
<td>4850</td>
<td>Yes</td>
<td>9/30/2019</td>
<td>9/30/2019</td>
<td>9/30/2019</td>
<td>Mental health; other; mental health license and permit fees; extend sunset. (Rep. Mary Whiteford)</td>
</tr>
<tr>
<td>0084</td>
<td>0447</td>
<td>Yes</td>
<td>9/30/2019</td>
<td>9/30/2019</td>
<td>9/30/2019</td>
<td>Environmental protection; permits; surface water and stormwater discharge, shoreland, bottomland, and inland lakes and streams fees; extend sunsets. (Sen. Curtis Hertel, Jr.)</td>
</tr>
<tr>
<td>0085</td>
<td>0448</td>
<td>Yes</td>
<td>9/30/2019</td>
<td>9/30/2019</td>
<td>9/30/2019</td>
<td>Environmental protection; permits; electronic device manufacturers fee and electronic device recycler registration fee; extend sunsets. (Sen. Jeff Irwin)</td>
</tr>
<tr>
<td>0086</td>
<td>0450</td>
<td>Yes</td>
<td>9/30/2019</td>
<td>9/30/2019</td>
<td>9/30/2019</td>
<td>Agriculture; animals; amount charged for livestock dealer license fee; extend sunset. (Sen. Curtis Hertel, Jr.)</td>
</tr>
<tr>
<td>0087</td>
<td>0451</td>
<td>Yes</td>
<td>9/30/2019</td>
<td>9/30/2019</td>
<td>9/30/2019</td>
<td>Human services; services or financial assistance; Michigan energy assistance program; extend sunset. (Sen. John Bizon, M.D.)</td>
</tr>
<tr>
<td>0088</td>
<td>4890</td>
<td>Yes</td>
<td>9/30/2019</td>
<td>9/30/2019</td>
<td>9/30/2019</td>
<td>Law; sunset; certain motor vehicle act fees; extend sunset. (Rep. Terry Sabo)</td>
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<td>0089</td>
<td>4853</td>
<td>Yes</td>
<td>10/7/2019</td>
<td>10/7/2019</td>
<td>10/7/2019</td>
<td>Records; vital records; waiver of vital record fee for certain individuals; provide for. (Rep. Tommy Brann)</td>
</tr>
<tr>
<td>0090</td>
<td>4189</td>
<td>Yes</td>
<td>10/10/2019</td>
<td>10/10/2019</td>
<td>10/10/2019</td>
<td>Michigan business tax credits; election to file a return under the Michigan business tax rather than corporate income tax act under certain circumstances; provide for. (Rep. Jason Sheppard)</td>
</tr>
<tr>
<td>0091</td>
<td>4190</td>
<td>Yes</td>
<td>10/10/2019</td>
<td>10/10/2019</td>
<td>10/10/2019</td>
<td>Economic development; Michigan economic growth authority; new agreements and certain amendments to tax credit agreements; prohibit. (Rep. Michael Webber)</td>
</tr>
<tr>
<td>0092</td>
<td>4191</td>
<td>Yes</td>
<td>10/10/2019</td>
<td>10/10/2019</td>
<td>10/10/2019</td>
<td>Corporate income tax; other; election to file a return under the Michigan business tax under certain circumstances; provide for. (Rep. Kevin Coleman)</td>
</tr>
<tr>
<td>0093</td>
<td>4446</td>
<td>Yes</td>
<td>10/10/2019</td>
<td>10/10/2019</td>
<td>10/10/2019</td>
<td>Campaign finance; contributions and expenditures; campaign fund deposits; clarify source of, limit certain payments of costs by connected organizations, and add certain reporting requirements. (Rep. Julie Calley)</td>
</tr>
<tr>
<td>0095</td>
<td>4550</td>
<td>Yes</td>
<td>10/23/2019</td>
<td>10/24/2019</td>
<td>1/22/2020</td>
<td>Children; guardians; national and state fingerprint checks; include in criminal record check for guardians. (Rep. Brenda Carter)</td>
</tr>
<tr>
<td>0097</td>
<td>0102</td>
<td>No</td>
<td>10/31/2019</td>
<td>10/31/2019</td>
<td>10/1/2021</td>
<td>Juveniles; criminal procedure; raise the age fund; provide for. (Sen. Sylvia Santana)</td>
</tr>
<tr>
<td>0098</td>
<td>4133</td>
<td>No</td>
<td>10/31/2019</td>
<td>10/31/2019</td>
<td>10/1/2021</td>
<td>Juveniles; criminal procedure; age of juvenile court jurisdiction and location of juvenile detention in some instances; modify. (Rep. Roger Hauck)</td>
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<td>4134</td>
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<td>10/31/2019</td>
<td>10/1/2021</td>
<td>Mental health; other; age of juvenile in disposition of persons found not guilty by reason of insanity; modify. (Rep. Douglas Wozniak)</td>
</tr>
<tr>
<td>0100</td>
<td>4135</td>
<td>No</td>
<td>10/31/2019</td>
<td>10/31/2019</td>
<td>10/1/2021</td>
<td>Criminal procedure; youthful trainees; age eligibility for youthful trainee status; raise to 18 years. (Rep. Julie Calley)</td>
</tr>
<tr>
<td>0101</td>
<td>4136</td>
<td>No</td>
<td>10/31/2019</td>
<td>10/31/2019</td>
<td>10/1/2021</td>
<td>Juveniles; criminal procedure; age of juvenile court jurisdiction in juvenile diversion act; modify. (Rep. Ryan Berman)</td>
</tr>
<tr>
<td>0102</td>
<td>4140</td>
<td>No</td>
<td>10/31/2019</td>
<td>10/31/2019</td>
<td>10/1/2021</td>
<td>Juveniles; other; detention of juveniles in certain circumstances; modify. (Rep. Vanessa Guerra)</td>
</tr>
<tr>
<td>0103</td>
<td>4142</td>
<td>No</td>
<td>10/31/2019</td>
<td>10/31/2019</td>
<td>10/1/2021</td>
<td>Juveniles; criminal procedure; juveniles under age 18 arrested for nonlisted offenses; provide for jurisdiction in the family division of circuit court. (Rep. Brian Elder)</td>
</tr>
<tr>
<td>0104</td>
<td>4143</td>
<td>No</td>
<td>10/31/2019</td>
<td>10/31/2019</td>
<td>10/1/2021</td>
<td>Corrections; alternatives; placement of youth under 18 with adults during confinement, trial, or transport; prohibit. (Rep. Leslie Love)</td>
</tr>
<tr>
<td>0105</td>
<td>4145</td>
<td>No</td>
<td>10/31/2019</td>
<td>10/31/2019</td>
<td>10/1/2021</td>
<td>Juveniles; criminal procedure; prejudication confinement of juveniles under 18 years of age in jail; preclude. (Rep. Graham Filler)</td>
</tr>
<tr>
<td>0106</td>
<td>4443</td>
<td>No</td>
<td>10/31/2019</td>
<td>10/31/2019</td>
<td>10/1/2021</td>
<td>Juveniles; criminal procedure; age of offender for specified juvenile violations; modify in code of criminal procedure. (Rep. Michele Hoitenga)</td>
</tr>
<tr>
<td>0107</td>
<td>4452</td>
<td>No</td>
<td>10/31/2019</td>
<td>10/31/2019</td>
<td>10/1/2021</td>
<td>Juveniles; criminal procedure; age of offender for specified juvenile violations; modify in the revised judicature act. (Rep. LaTanya Garrett)</td>
</tr>
<tr>
<td>0108</td>
<td>0084</td>
<td>No</td>
<td>10/31/2019</td>
<td>10/31/2019</td>
<td>10/1/2021</td>
<td>Criminal procedure; indigent defense; definition of adult in Michigan indigent defense commission act; modify. (Sen. Curtis S. VanderWall)</td>
</tr>
</tbody>
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<tr>
<td>0109</td>
<td>0090</td>
<td>Yes</td>
<td>10/31/2019</td>
<td>10/31/2019</td>
<td>10/1/2021</td>
<td>Juveniles; criminal procedure; age of juvenile court jurisdiction and location of juvenile detention in some instances; modify. (Sen. Peter J. Lucido)</td>
</tr>
<tr>
<td>0110</td>
<td>0093</td>
<td>No</td>
<td>10/31/2019</td>
<td>10/31/2019</td>
<td>10/1/2021</td>
<td>Juveniles; criminal procedure; age of juvenile jurisdiction in youth rehabilitation services act; modify. (Sen. Stephanie Chang)</td>
</tr>
<tr>
<td>0111</td>
<td>0097</td>
<td>No</td>
<td>10/31/2019</td>
<td>10/31/2019</td>
<td>10/1/2021</td>
<td>Juveniles; other; detention of juveniles in certain circumstances; modify. (Sen. Curtis Hertel, Jr.)</td>
</tr>
<tr>
<td>0112</td>
<td>0099</td>
<td>No</td>
<td>10/31/2019</td>
<td>10/31/2019</td>
<td>10/1/2021 #</td>
<td>Criminal procedure; arrests; procedures for arresting juveniles prosecuted for personal protection order violation; revise code of criminal procedure to revise age limit. (Sen. Ruth A. Johnson)</td>
</tr>
<tr>
<td>0113</td>
<td>0100</td>
<td>No</td>
<td>10/31/2019</td>
<td>10/31/2019</td>
<td>10/1/2021 #</td>
<td>Juveniles; criminal procedure; age of offender for specified juvenile violation; modify in probate code of 1939. (Sen. Peter J. Lucido)</td>
</tr>
<tr>
<td>0114</td>
<td>0101</td>
<td>No</td>
<td>10/31/2019</td>
<td>10/31/2019</td>
<td>10/1/2021</td>
<td>Juveniles; juvenile justice services; county juvenile justice services reimbursements; modify. (Sen. Peter J. Lucido)</td>
</tr>
<tr>
<td>0115</td>
<td>0257</td>
<td>Yes</td>
<td>11/8/2019</td>
<td>11/8/2019</td>
<td>2/6/2020</td>
<td>Crimes; domestic violence; deferred domestic violence charges to count as prior convictions in subsequent cases; require. (Sen. Stephanie Chang)</td>
</tr>
<tr>
<td>0116</td>
<td>0047</td>
<td>Yes</td>
<td>11/14/2019</td>
<td>11/15/2019</td>
<td>11/15/2019 #</td>
<td>Property tax; assessments; placement of solar panels on residential real property; exclude from assessment of true cash value. (Sen. Tom Barrett)</td>
</tr>
<tr>
<td>0118</td>
<td>4465</td>
<td>Yes</td>
<td>11/14/2019</td>
<td>11/15/2019</td>
<td>11/15/2019</td>
<td>Property tax; exemptions; alternative energy personal property; modify exemption. (Rep. Yousef Rabhi)</td>
</tr>
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| 0119   | 0530     | Yes  | 11/14/2019       | 11/15/2019 | 11/15/2019     | Environmental protection; permits; air pollution permit fees; revise.  
  (Sen. Rosemary Bayer) |
| 0120   | 0255     | Yes  | 11/14/2019       | 11/15/2019 | 2/13/2020      | Environmental protection; air pollution; location notification requirement; modify.  
  (Sen. Kimberly A. LaSata) |
| 0121   | 4731     | Yes  | 11/14/2019       | 11/15/2019 | 11/15/2019     | Highways; memorial; portion of M-53; designate as the "SOC Jason R. Freiwald  
  Memorial Highway".  
  (Rep. Jeff Yaroch) |
| 0122   | 4485     | Yes  | 11/14/2019       | 11/15/2019 | 2/13/2020      | Highways; memorial; portion of US-10; designate as the "Marine Lance Corporal  
  Steven J. Soymanski Memorial Highway".  
  (Rep. Annette Glenn) |
| 0123   | 4412     | Yes  | 11/14/2019       | 11/15/2019 | 7/1/2020       | Health; pharmaceuticals; sale or purchase of dextromethorphan for individuals  
  under the age of 18; prohibit under certain circumstances.  
  (Rep. Bronna Kahle) |
  (Rep. Michele Hoitenga) |
| 0125   | 4959     | Yes  | 11/21/2019       | 11/21/2019 | 11/21/2019     | Liquor; distribution; wholesaler residency requirements; modify, and provide for  
  inspection and seizure procedures.  
  (Rep. Roger Hauck) |
| 0126   | 4960     | Yes  | 11/21/2019       | 11/21/2019 | 11/21/2019     | Liquor; other; definition of financial records; provide for.  
  (Rep. Rebekah Warren) |
| 0127   | 4961     | Yes  | 11/21/2019       | 11/21/2019 | 11/21/2019 #   | Liquor; distribution; prohibition of certain supplier actions related to a  
  wholesaler; provide for.  
  (Rep. Beth Griffin) |
| 0128   | 4408     | Yes  | 11/21/2019       | 11/21/2019 | 11/21/2019     | Local government; authorities; timing of audits of a recreational authority under  
  the recreational authorities act; modify.  
  (Rep. Aaron Miller) |

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<tr>
<td>0130</td>
<td>4226</td>
<td>Yes</td>
<td>11/21/2019</td>
<td>11/21/2019</td>
<td>11/21/2019</td>
<td><strong>Property; mortgages; fee assessed by foreclosure sale purchasers to calculate redemption amount; provide cap.</strong>&lt;br&gt;<strong>(Rep. Ryan Berman)</strong></td>
</tr>
<tr>
<td>0131</td>
<td>0320</td>
<td>Yes</td>
<td>11/21/2019</td>
<td>11/21/2019</td>
<td>11/21/2019</td>
<td><strong>Liquor; licenses; bond requirement for licenses; eliminate.</strong>&lt;br&gt;<strong>(Sen. Peter MacGregor)</strong></td>
</tr>
<tr>
<td>0132</td>
<td>0174</td>
<td>Yes</td>
<td>11/21/2019</td>
<td>11/21/2019</td>
<td>2/19/2020</td>
<td><strong>Animals; other; animal industry act; modify.</strong>&lt;br&gt;<strong>(Sen. Kevin Daley)</strong></td>
</tr>
<tr>
<td>0133</td>
<td>0179</td>
<td>Yes</td>
<td>11/21/2019</td>
<td>11/21/2019</td>
<td>2/19/2020 #</td>
<td><strong>Animals; other; definition of livestock in agricultural commodities marketing act; modify citation.</strong>&lt;br&gt;<strong>(Sen. Roger Victory)</strong></td>
</tr>
<tr>
<td>0134</td>
<td>0180</td>
<td>Yes</td>
<td>11/21/2019</td>
<td>11/21/2019</td>
<td>2/19/2020 #</td>
<td><strong>Criminal procedure; sentencing guidelines; sentencing guidelines for violations of animal industry act; modify citation.</strong>&lt;br&gt;<strong>(Sen. Dan Lauwers)</strong></td>
</tr>
<tr>
<td>0135</td>
<td>0181</td>
<td>Yes</td>
<td>11/21/2019</td>
<td>11/21/2019</td>
<td>2/19/2020 #</td>
<td><strong>Animals; other; definition of livestock in Michigan penal code; modify citation.</strong>&lt;br&gt;<strong>(Sen. Dan Lauwers)</strong></td>
</tr>
<tr>
<td>0136</td>
<td>0182</td>
<td>Yes</td>
<td>11/21/2019</td>
<td>11/21/2019</td>
<td>2/19/2020 #</td>
<td><strong>Animals; other; definition of livestock in wildlife depredations act; modify citation.</strong>&lt;br&gt;<strong>(Sen. Ed McBroom)</strong></td>
</tr>
<tr>
<td>0137</td>
<td>0183</td>
<td>Yes</td>
<td>11/21/2019</td>
<td>11/21/2019</td>
<td>2/19/2020 #</td>
<td><strong>Animals; other; definition of livestock in wolf-dog cross act; modify citation.</strong>&lt;br&gt;<strong>(Sen. Ed McBroom)</strong></td>
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<tr>
<td>0138</td>
<td>0361</td>
<td>Yes</td>
<td>11/21/2019</td>
<td>11/21/2019</td>
<td>2/19/2020 #</td>
<td><strong>Animals; other; definition of livestock in the Michigan fireworks safety act; modify citation.</strong>&lt;br&gt;<strong>(Sen. Jim Ananich)</strong></td>
</tr>
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<tr>
<td>0141</td>
<td>5084</td>
<td>Yes</td>
<td>12/4/2019</td>
<td>12/5/2019</td>
<td>12/5/2019</td>
<td><strong>Financial institutions</strong>: loan officers; mortgage loan originator licensing grace period during certain changes in occupational circumstances; provide for. (Rep. Diana Farrington)</td>
</tr>
<tr>
<td>0142</td>
<td>4306</td>
<td>Yes</td>
<td>12/12/2019</td>
<td>12/12/2019</td>
<td>1/1/2020</td>
<td><strong>Civil procedure</strong>: other; foreclosure by advertisement; require notice of foreclosure to include information to mortgagor, and limit newspapers in which notice of foreclosure may be published. (Rep. Triston Cole)</td>
</tr>
<tr>
<td>0143</td>
<td>4540</td>
<td>Yes</td>
<td>12/12/2019</td>
<td>12/12/2019</td>
<td>1/1/2020</td>
<td><strong>Sales tax</strong>: other; nexus of marketplace facilitators; clarify. (Rep. Lynn Afendoulis)</td>
</tr>
<tr>
<td>0144</td>
<td>4541</td>
<td>Yes</td>
<td>12/12/2019</td>
<td>12/12/2019</td>
<td>1/1/2020</td>
<td><strong>Use tax</strong>: other; nexus of marketplace facilitators; clarify. (Rep. Joseph Tate)</td>
</tr>
<tr>
<td>0145</td>
<td>4542</td>
<td>Yes</td>
<td>12/12/2019</td>
<td>12/12/2019</td>
<td>12/12/2019</td>
<td><strong>Sales tax</strong>: collections; out-of-state retailers; require to remit sales tax. (Rep. Michael Webber)</td>
</tr>
<tr>
<td>0146</td>
<td>4543</td>
<td>Yes</td>
<td>12/12/2019</td>
<td>12/12/2019</td>
<td>12/12/2019</td>
<td><strong>Use tax</strong>: collections; out-of-state retailers; require to remit use tax. (Rep. Tenisha Yancey)</td>
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