

Michigan Register

Issue No. 14 – 2023 (Published August 15, 2023)



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

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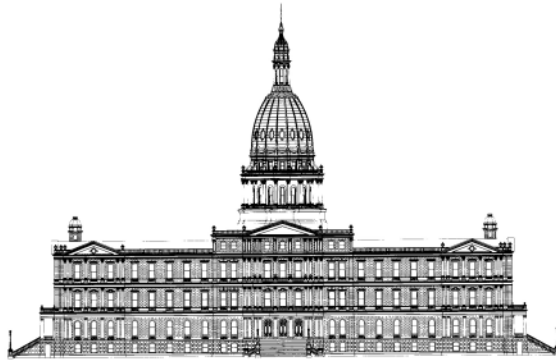
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Gretchen Whitmer, Governor



Garlin Gilchrist, Lieutenant Governor

PREFACE

PUBLICATION AND CONTENTS OF THE MICHIGAN REGISTER

The Michigan Office of Administrative Hearings and Rules 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.

4.1203 Michigan register fund; creation; administration; expenditures; disposition of money received from sale of Michigan register and amounts paid by state agencies; use of fund; price of Michigan register; availability of text on internet; copyright or other proprietary interest; fee prohibited; definition.

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, 2023 MR 1 refers to the year of issue (2023) 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 Street, Lansing, MI 48933.

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 Street, Lansing, MI 48933. Checks Payable: State of Michigan. Any questions should be directed to the Michigan Office of Administrative Hearings and Rules (517) 335-2484.

INTERNET ACCESS

The *Michigan Register* can be viewed free of charge on the website of the Michigan Office of Administrative Hearings and Rules – Administrative Rules Division: www.michigan.gov/ard.

Issue 2000-3 and all subsequent editions of the *Michigan Register* can be viewed on the Michigan Office of Administrative Hearings and Rules website. 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.

Executive Director,
Michigan Office of Administrative Hearings and Rules

2023 PUBLICATION SCHEDULE

Issue No.	Closing Date for Filing or Submission Of Documents (5 p.m.)	Publication Date
1	January 1	February 1
2	January 15	February 15
3	February 1	March 1
4	February 15	March 15
5	March 1	April 1
6	March 15	April 15
7	April 1	May 1
8	April 15	May 15
9	May 1	June 1
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24	December 15	January 15

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**PROPOSED ADMINISTRATIVE RULES,
NOTICES OF PUBLIC HEARINGS**

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.”

PROPOSED ADMINISTRATIVE RULES

DEPARTMENT OF NATURAL RESOURCES

FOREST RESOURCES DIVISION

COMMERCIAL FORESTS

Filed with the secretary of state on

These rules become effective immediately after filing with the secretary of state unless adopted under section 33, 44, or 45a(9) 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 department of natural resources by part 511 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.51101 to 324.51120)

R 299.2601, R 299.2603, R 299.2603a, R 299.2604, R 299.2605, R 299.2605a, R 299.2605b, R 299.2606, R 299.2608, and R 299.2610 of the Michigan Administrative Code are amended, as follows:

R 299.2601 Application requirements for listing land; "act" defined.

Rule 1. (1) An application for listing land **must shall** be on a form prescribed by the department. An application **must shall** be under oath, signed, dated, notarized, and postmarked **no not** later than April 1 to be considered for listing in the following tax year. An application signed, dated, notarized, or postmarked after April 1 **must shall** be ~~carried forward for consideration in the following tax year or~~ returned to the applicant.

(2) An application **must shall** be prepared for each county covering all land in that county for which listing is desired. The application fee as required by **section 51103 of the act**, MCL 324.51103, **must shall** be calculated based on the total acreage applied for in each application.

(3) Land applied for **must shall** be considered for listing as it is currently and legally described by ~~recorded deed or land contract~~ and on ad valorem assessment and tax rolls. ~~Consolidation of contiguous descriptions in 1 section into a single larger description shall be done where possible.~~ **If the applicant is a land contract vendee, or buyer, the land contract must state that the vendee owns all of the timber rights to all land under contract. The application must include a copy of the deed or land contract.**

(4) An application **must shall** fully describe each tract and ~~shall~~ include all of the following information:

- (a) County name.
- (b) Political township.
- (c) Town, range, section, and section subdivision.
- (d) ~~School district in which the tract is located.~~ **Property tax parcel number or numbers.**
- (e) ~~Legally redescribing land to exclude areas not eligible for listing is permissible. The department may require a~~ **A certified survey in accordance with section 1 of 1970 PA 132, MCL 54.211, if deemed the department determines it is necessary to determine eligibility.**

(f) ~~Net Total~~ **Total** acreage, ~~shall include including~~ rights-of-way covered by easements, ~~but~~ **Total acreage must shall** not include rights-of-way deeded to others or tracts owned by others.

(5) An application for listing must include a copy of the applicant's forest management plan for the land applied for listing.

~~(56)~~ If any interest in the title to land ~~that the for which~~ application for listing has been made is transferred between ~~the~~ application submission date and the subsequent December 31, the applicant shall notify the department in writing immediately at the time of the transfer of title. Land no longer owned by the applicant and other application parcels that become ineligible due to the transfer of title ~~must shall~~ be denied listing. If the land has already been approved for listing when notice of the transfer of title is received, the department shall ~~cancel~~ deny the listing.

~~(67)~~ As used in these rules, "act" means ~~Part~~ **part 511 of the natural resources and environmental protection act**, 1994 PA 451, MCL 324.51101 to 324.51120.

R 299.2603 Listing certificate.

Rule 3. (1) Land approved for listing by the department ~~must shall~~ be ~~recorded~~ on a listing certificate that will be sent to the applicant for signature. A listing certificate ~~must shall~~ be prepared for each county in which the applicant owns land approved for listing.

(2) The signed listing certificate ~~must shall~~ be promptly returned to the department by the applicant. **The department may deny the listing if the department does not receive the signed listing certificate by the department's specified due date. On receipt of the signed listing certificate,** the department shall sign the certificate and, not later than December 31, ~~shall~~ send the signed listing certificate to the appropriate county register of deeds. ~~and the~~ **A copy of the signed listing certificate must be sent to the applicant** and the appropriate township ~~supervisor~~ **assessor** of land approved for listing.

(3) Land approved for listing ~~must shall~~ be removed from the ad valorem assessment and tax roll for the following tax year and ~~must shall~~ be placed on a commercial forest specific assessment and tax roll for taxation at the rate specified in **section 51105 of the act**, MCL 324.51105.

~~(4) Any tax assessed after April 1 of the application year must be paid and evidence of such payment submitted to the department not later than March 1 of the first year of listing. If evidence of such payment is not received by the department, the listing shall be cancelled by the department. Both of the following apply:~~

~~—(a) If the listing is cancelled, the department shall notify the township supervisor of the cancellation and request that the land be returned to the ad valorem tax roll for that tax year.~~

~~—(b) If the listing certificate has been recorded at the county register of deeds, the department shall record a cancellation document with the register of deeds in said county.~~

R 299.2603a Return of portions of fees, taxes, and state payments to department of treasury for credit to state school aid fund; time.

Rule 3a. Those portions of revenues ~~described as defined~~ in **section 51109 of the act**, MCL 324.51109, ~~that which~~ must be returned to the state treasury to the credit of the state school aid fund, pursuant to **sections 51106 and 51109 of the act**, MCL 324.51106 and 324.51109, ~~must shall~~ be returned to the state treasury by the appropriate township or county treasurer ~~not later than April 1 of the year following the year of their receipt~~ **as directed by the state treasury.**

R 299.2604 Land; eligibility for listing.

Rule 4. (1) To be eligible for listing, land ~~must shall~~ meet the requirements for character and use prescribed in **sections 51101, 51103, and 51113 of the act**, MCL 324.51101, 324.51103 and 324.51113.

(2) A tract of less than 40 acres is not eligible for listing unless it is contiguous to land already listed by the same owner or being listed by the same owner. However, a tract of less than 40 contiguous acres may be eligible if it is a fractional survey description, or if its net area is less than 40 acres because of rights-of-way deeded to others, and if the department determines the tract is a reasonable and economic commercial forest management unit.

(3) Land within the boundaries of a city or village is not eligible for listing.

(4) Land zoned contrary to the intent of the act is not eligible for listing.

(5) Land exempted from ad valorem real property taxes and land receiving a property tax incentive from other programs are not eligible for listing.

~~(5)~~ **(6)** Leasing and exploration for minerals and wind energy production are permitted on land listed under the act. Land ~~for which that is included on an application is being made~~ for listing ~~that which~~ is subject to mineral or wind energy leases or upon which exploration is occurring may be considered for listing if otherwise eligible.

~~(6)~~ **(7)** Commercial extraction of oil and gas is permitted on land listed under the act. Land ~~for which that is included on an application is being made~~ for listing ~~that which~~ is subject to oil and gas extraction may be considered for listing if otherwise eligible. All of the following ~~apply~~ **pertain to owners extracting oil and gas:**

(a) At least 30 days ~~before~~ ~~prior to~~ removal, the owner shall submit to the department an application to remove oil and gas on a form prescribed by the department.

(b) Facilities, equipment, and structures directly related to and used solely for the extraction of oil and gas are permitted on land listed under the act.

(c) Refining of hydrocarbon liquids or underground natural gas ~~storage~~ ~~compression~~ **storage or compression** and any associated structures are not permitted on land listed under the act.

~~(7)~~ **(8)** If an owner owns both surface and mineral rights and the owner or his or her contractors undertake commercial mineral extraction other than oil and gas, the owner shall withdraw the affected land from listing ~~before~~ ~~prior to~~ extraction.

~~(8)~~ **(9)** If surface and mineral rights are separately owned and the mineral owner or his or her contractors undertake commercial mineral extraction other than oil and gas, the surface owner shall withdraw the affected land from listing ~~before~~ ~~prior to~~ extraction.

~~(9)~~ **(10)** The owner of listed land shall advise the department of any commercial mineral extraction operations ~~and/or~~ wind energy production and initiate withdrawal of the listed land affected ~~prior to~~ **before** mineral extraction or wind energy production.

~~(10)~~ **(11)** If commercial metallic, nonmetallic, or other mineral extraction occurs, except oil and gas, the affected land to be withdrawn ~~must shall~~ include either of the following:

(a) All of each listed 40-acre description, fractional description, government lot, or its equivalent over, upon, within, or under which mining operations occur.

(b) The area over, upon, within, or under which mining operations occur, as delineated on a project map of the affected area. Mining operations, in addition to the extraction of minerals or ores, include the utilization of an area or tract of land for any of the following purposes:

(i) Pits.

(ii) Openings.

(iii) Shafts.

(iv) Processing facilities.

(v) Stockpiling areas.

(vi) Water and tailings basins.

(vii) Shipping facilities.

~~(11)~~ **(12)** If mineral extraction results in the retention of land under listing that by itself is ineligible for listing, other than the acreage requirement, the landowner shall also withdraw this ineligible land from listing.

~~(12)~~ **(13)** Extraction of sand and gravel is permitted on listed land pursuant to **section 51113 of the act**, MCL 324.51113. At least 30 days ~~before~~ ~~prior to~~ removal, the owner shall submit to the department an application to remove sand and gravel on a form prescribed by the department. Sand and gravel applications ~~must shall~~ be approved for a period not to exceed 2 years. If removal is not completed within the approved time period, a new application ~~must shall~~ be submitted for the same description.

~~(13)~~ **(14)** The posting of a mineral exploration site or an oil and gas extraction site on listed land to prohibit public access on that site is permitted if necessary for public safety. Posting ~~must shall~~ be restricted only to the area needed for efficient and safe operation of the exploratory or extraction site and ~~must shall~~ be limited to the time during which exploration ~~and/or or~~ extraction occurs.

~~(14)~~ **(15)** Tree plantations, to be eligible for listing and if otherwise eligible, ~~must shall~~ have survived through the first 2 growing seasons after planting and, at the time of application, ~~must shall~~ carry sufficient forest growth of suitable character and distribution to ~~assure~~ **ensure** that a stand of merchantable timber will be developed within a reasonable time.

~~(15)~~ **(16)** Any 40-acre description, fractional description, or other description meeting the minimum acreage eligibility requirement specified in subrule (2) of this rule is not eligible for listing if it contains 25% or more ~~nonstocked~~ **non-stocked** but productive land. This subrule applies to each ~~such~~ description even though it may be contiguous to other descriptions already listed by the same owner or being listed by the same owner.

~~(16)~~ **(17)** Any 40-acre description, fractional description, or other description just meeting the minimum acreage eligibility requirement specified in subrule (2) of this rule is not eligible for listing if it contains 50% or more nonproductive land unless it is contiguous to, and is an integral part of, a larger managed forest already listed by the same owner or being listed by the same owner.

~~(17)~~ **(18)** Land managed for Christmas trees or for forest crops normally harvested at an age of 10 years or less is not eligible for listing.

(19) Applications from applicants whose commercial forest land is noncompliant or was declassified by the department must be denied.

R 299.2605 Criteria to determine compliance with act.

Rule 5. Land listed as commercial forest ~~must shall~~ comply fully with the requirements of the act and all of the following provisions:

(a) The owner of forest land listed under the act shall manage that land consistent with the purposes expressed in **sections 51101, 51103, and 51113 of the act**, MCL 324.51101, 324.51103, and 324.51113, and according to the owner's forest management plan.

(b) Except as provided in **section 51113 of the act**, MCL 324.51113, listed land ~~must shall~~ not be used or obligated for any commercial purpose other than production of forest products and ~~must shall~~ not be managed in a manner detrimental to the growth and development of those products.

(c) Noncommercial uses compatible with good forest management and full productivity of listed land are ~~allowed-permitted~~.

(d) An easement may be granted across listed land if the effect on the productivity of the listed land is minimal. The owner shall ~~notify the department, in writing, of a~~ **submit a copy of the prospective easement across listed land to the department for review at least 30 days before entering into such an agreement.**

(e) Buildings or improvements ~~must shall~~ not be ~~allowed permitted~~ on listed land, except ~~those used exclusively for the conduct of commercial forest management operations or~~ as specified in R 299.2604(6)(7).

(f) An owner shall submit to the department, upon request, a description of public access to specific parcel descriptions of listed land for the purpose of hunting and fishing. **The description must be in a format that meets the recording requirements of the county register of deeds.**

(g) ~~If an owner enters~~ **Before entering** into a conservation easement or ~~makes making~~ any other restrictive commitment on listed land, the owner shall submit a copy of the conservation easement or restrictive document to the department ~~within~~ **not less than 30 days before** of signing such an agreement. If these documents contain provisions contrary to the act or these rules, the owner shall **either not enter into the agreement or** withdraw the land pursuant to **section 51108 of the act**, MCL 324.51108.

R 299.2605a Public use of listed land.

Rule 5a. (1) Listed land ~~must shall~~ be open to the public for **foot access** for hunting and fishing. Listed land ~~must shall~~ not be posted in any manner to restrict or infer restriction of entry for hunting and fishing, except as provided in R 299.2604(13) and subrule (4) of this rule. Any act by an owner of listed land ~~which that~~ is intended to deny or inhibit access for public hunting and fishing, except as provided in R 299.2604(13) and subrule (4) of this rule, ~~must shall~~ preclude listing of the land or, if listed, may require withdrawal of the land from listing.

(2) Public use of listed land for any activity other than **foot access** for hunting or fishing requires owner permission. **The owner of listed land shall not grant permission for activities that are not compliant with the act or rules.** The owner of listed land may restrict, through posting, activities other than public hunting and fishing.

(3) Fences and gates do not disqualify land from listing if the owner allows public entry for hunting and fishing.

(4) The owner of listed land may restrict public access for hunting and fishing during active commercial logging periods within the affected area if both of the following conditions are met:

(a) The owner has notified the department pursuant to **section 51111 of this act**, MCL 324.51111, and **R 299.2606**.

(b) The activities ~~are in compliance~~ **comply** with the owner's forest management plan.

R 299.2605(b) Forest management plan.

Rule 5b. (1) Pursuant to **sections 51101 and 51103, of the act**, MCL 324.51101 and 324.51103, an owner shall maintain a current, written forest management plan in effect for all commercial forest land, **submit a copy of the plan to the department to determine if it meets the minimum requirements established by the department**, and ~~shall~~ actively manage the commercial forest land according to ~~this~~ the plan. **Not less than 30 days before the expiration of the owner's forest management plan, the owner shall submit a copy of a new or updated forest management plan to the department to determine if it meets the minimum requirements established by the department.**

(2) A forest management plan ~~must shall~~ meet the minimum requirements established ~~and published~~ by the department.

(3) The owner shall ~~notify~~ **submit a copy of an amended or revised forest management plan to the department to determine if it meets the minimum requirements established by the department**, ~~in writing~~, 30 days ~~prior to~~ **before** implementation, of any amendment or revision to a forest management plan.

(4) The certification required in **section 51103 of the act**, MCL 324.51103, for listing land ~~shall~~ **must** be on **the commercial forest list application** ~~a form prescribed by the department and shall reference the owner's current forest management plan.~~

R 299.2606 Prior reporting; harvest of forest products.

Rule 6. (1) The owner of listed land shall report to the department ~~of an intent to harvest on a form prescribed by the department;~~ **not less than 30 days before** ~~prior to the cutting, harvesting, or removal of removing~~ forest products from listed land.

(2) Cutting, harvesting, or ~~removal of removing~~ forest products from listed land ~~shall~~ **must** be in accordance with the owner's forest management plan and limited to descriptions and harvest practices identified on the report.

(3) Prior reporting is not required for noncommercial timber management operations where no merchantable forest products are cut, sold, given away, utilized, removed, or destroyed.

(4) The department shall approve a harvest report for a period not to exceed 2 years. If harvesting operations, except transport of products, is not completed within the approved time period, an additional report ~~shall~~ **must** be submitted to the department for the same description.

(5) The owner shall notify the department of any changes to the harvest described on the approved report, including descriptions, harvest practices, or other terms on the report.

R 299.2608 Withdrawal of listed land.

Rule 8. (1) The owner shall complete and submit an application to the department ~~for each county to withdraw of listed land to be withdrawn~~ on a form prescribed by the department. If the withdrawal will result in the retention of listed land that by itself is ineligible for listing, the department shall also require withdrawal of that ineligible land in addition to the land contained in the initial withdrawal application.

(2) The department shall send the applicant a withdrawal certificate indicating the withdrawal penalty computed in accordance with **section 51108 of the act**, MCL 324.51108, and instructions to make the penalty payment to the township treasurer.

(3) Upon receipt of the ~~signed~~ withdrawal certificate ~~and with~~ certification by the township treasurer that the withdrawal penalty has been paid, the department shall ~~certify~~ **approve** the withdrawal as provided in **section 51108 of the act**, MCL 324.51108. ~~The date of this the department receives the township treasurer certification is shall be~~ the effective date of the withdrawal.

(4) Withdrawn land ~~shall be~~ **is** subject to the specific tax and not ~~to~~ the ad valorem property tax in the tax year in which it is withdrawn.

(5) For a partial withdrawal of listed land, the department may require a certified survey in accordance with **section 1 of 1970 PA 132**, MCL 54.211, of the land to be withdrawn and the land that will remain listed, if deemed necessary ~~to ensure eligibility.~~

(6) If the township has removed listed land from the specific tax roll and placed the land on the ad valorem tax roll in error, the department may administratively withdraw the land without application, application fee, or penalty.

R 299.2610 ~~Transfers~~ **Transfer** of title.

Rule 10. (1) Transfer of title does not alter the listing if land eligibility is unaffected, and the new owner ~~demonstrates to the department within 90 days after the date of the deed or land contract that they are~~ **is** in compliance with the act ~~within 60 days of notification by the department.~~ **Compliance with the act must be demonstrated by either of the following:**

(a) Submitting a copy of the new owner's active forest management plan to the department for the department's determination of whether the plan meets the minimum requirements established by the department.

(b) Submitting to the department a copy of the new owner's contract with a forest management plan writer to complete the forest management plan.

(2) If listed land is purchased under a land contract, a copy of the land contract ~~must shall~~ be submitted by the vendee of the land contract to the department. If the terms of the land contract are not in compliance with the act or these rules, the land contract ~~must shall~~ be amended to comply with the act; or the land contract vendee shall withdraw the land pursuant to **section 51108 of the act**, MCL 324.51108, and R 299.2608; **or the land contract vendor shall bring the land into compliance.**

(3) A title transfer ~~that which~~ creates a separately owned description ~~that which~~ does not meet eligibility requirements ~~shall require~~ **requires** withdrawal of that description from listing.

(4) If the state or other governmental agency is acquiring listed land by purchase, ~~gift, donation, condemnation, or exchange~~, that land ~~must shall~~ be withdrawn from listing by the owner before the title transfer ~~of title~~ is completed. If the title is transferred without prior withdrawal, the state or other governmental agency shall withdraw the land pursuant to ~~MCL 324.51108~~ **without fee or penalty.**

(5) If listed land is being acquired by an entity whose land is exempted from ad valorem real property taxes pursuant to the provisions of **the general property tax act**, 1893 PA 206, ~~as amended, MCL 211.1 to MCL 211.155~~, the land shall be withdrawn from listing by the owner of record before the title transfer is completed. ~~If the title is transferred without prior withdrawal, the acquiring entity shall withdraw the land pursuant to MCL 324.51108~~ **the acquiring entity shall not be required to withdraw the land if the land will remain on the commercial forest specific tax roll and the land is in compliance with all other requirements of the commercial forest program.**

NOTICE OF PUBLIC HEARING

Department of Natural Resources
Forest Resource Division
Administrative Rules for Commercial Forests
Rule Set 2021-75 NR

NOTICE OF PUBLIC HEARING
Thursday, August 17, 2023
02:00 PM

ConHall-AT-ConCon
Constitution Hall, 525 West Allegan Street, Lansing, MI 48933

The Department of Natural Resources will hold a public hearing to receive public comments on proposed changes to the Commercial Forests rule set.

The proposed rule changes are intended to provide clarification of administrative processes and remove language in conflict with Part 511, Commercial Forests, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

By authority conferred on the department of natural resources by part 511 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.51101 to 324.51120.

The proposed rules will take effect immediately after filing with the Secretary of State. The proposed rules are published on the State of Michigan's website at www.michigan.gov/ARD and in the 8/15/2023 issue of the Michigan Register. Copies of these proposed rules may also be obtained by mail or electronic mail at the following email address: Maidlowk@michigan.gov.

Comments on these proposed rules may be made at the hearing, by mail, or by electronic mail at the following addresses until 8/31/2023 at 05:00PM.

Department of Natural Resources, Forest Resources Division, ATTN: Karen Maidlow
P.O. Box 30452, Lansing, MI 48909

Maidlowk@michigan.gov

The public hearing will be conducted in compliance with the 1990 Americans with Disabilities Act. If the hearing is held at a physical location, the building will be accessible with handicap parking available. Anyone needing assistance to take part in the hearing due to disability may call 517-930-4329 to make arrangements.

PROPOSED ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

CARNIVAL AND AMUSEMENT SAFETY

GENERAL RULES

Filed with the secretary of state on

These rules ~~take effect~~ **become effective** immediately ~~upon~~ **after** filing with the secretary of state unless adopted under section 33, 44, or 45a(9) 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 licensing and regulatory affairs by section 6 of the carnival-amusement safety act of 1966, 1966 PA 225, MCL 408.656, and Executive Reorganization Orders Nos. 1991-9, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 338.3501, 445.2001, 445.2011, 445.2025, and 445.2030)

R 408.802, R 408.803, R 408.814, R 408.829, R 408.831, R 408.832, R 408.839, R 408.839a, R 408.844, R 408.848, R 408.872, R 408.874, and R 408.897 of the Michigan Administrative Codes are amended, R 408.815 and R 408.816 are added, and R 408.833, R 408.838, and R 408.843 are rescinded, as follows:

~~PART 1. GENERAL PROVISIONS~~R

R 408.802 Safety requirements for carnival-amusement rides and devices.

Rule 2. (1) Electrical wiring, apparatus, and equipment ~~shall~~ **must** be manufactured, installed, and maintained as prescribed in the national electrical code (NFPA 70), ~~2005~~ **2020** edition, published by the ~~national fire protection association~~ **National Fire Protection Association**. The provisions of the national electrical code are adopted by reference as electrical standards for the carnival and amusement rides and devices in this state.

(2) These adopted provisions may be purchased for a cost of ~~\$72.50~~ **\$121.50**, at the time of adoption of these rules, from the National Fire Protection Association (NFPA), ~~Customer Service Department, 11 Tracy Drive, Avon MA 02322~~ 1 Batterymarch Park, Quincy, ~~MA~~ **Massachusetts** 02169-7471-, ~~Telephone~~ **telephone:** 800/-344-3555; or 617/-770-3000, website address: www.nfpa.org. A copy of this code and the general rules of the ~~board~~ are available for ~~public~~ inspection; **and purchase** at the Department of ~~Labor and Economic Growth~~ **Licensing and Regulatory Affairs**, Bureau of ~~Construction Codes Commercial Services, 2501 Woodlake Circle, Okemos, Michigan, 48864,~~ **Construction Codes Commercial Services, 2501 Woodlake Circle, Okemos, Michigan, 48864,** Phone ~~611 W. Ottawa Street, Lansing, Michigan: 48909, 517/ - 241-9233~~ **611 W. Ottawa Street, Lansing, Michigan: 48909, 517/ - 241-9233 9313, for a cost of \$121.50 at the time of adoption.**

(3) The department adopts by reference the ASTM Standards on Amusement Rides and Devices, ~~sponsored established~~ by ASTM F-24 Committee, **ASTM Volume 15.07, November 2022 7th Edition, 2004**, as it relates to a carnival or amusement ride, as ~~that term is defined by the~~ **in section 2 of the act, MCL 408.652 Carnival Amusement Safety Act, 255 PA 1966**. The adopted standards may be purchased for a cost of ~~\$87.00~~ **\$338.00**, at the time of adoption of these rules, from The American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, P.O. Box C 700, West Conshohocken ~~PA~~ **Pennsylvania 19428- 2959, Customer Service, Telephone customer service telephone: 610-832-9500, website address: www.astm.org <https://www.astm.org/astm-bos-15.07.html>**. A copy of this code is available for ~~public~~ **inspection, and purchase** at the Department of **Licensing and Regulatory Affairs** ~~the Department of Labor and Economic Growth, Bureau of Commercial Services~~ **Construction Codes, 2501 Woodlake Circle, Okemos, Michigan, 48864611 W. Ottawa Street, Lansing, Michigan 48909, Phone: 517/-241-9233 9313, for a cost of \$338.00 at the time of adoption.**

(4) The department adopts by reference the standards contained in the American National Standards Institute Safety (ANSI) requirements for aerial passenger tramways, **ANSI B77.1 2017**, for aerial passenger tramway amusement rides in this state. This adopted standard may be purchased at a cost of **\$200.00**, as of the time of adoption of these rules, from the American National Standards Institute (ANSI), 25 West 43rd Street, New York, New York 10036, telephone: **212-642-4900, fax: 212-398-0023, website address: <https://webstore.ansi.org/Standards/ANSI/ANSIB772017>**. A copy of this code is available for inspection and purchase at the Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, 611 W. Ottawa Street, Lansing, Michigan 48909, for a cost of **\$200.00** at the time of adoption of these rules.

R 408.803 Definitions.

Rule 3. (1) As used in these rules:

(a) **“Act” means the carnival-amusement safety act of 1966, 1966 PA 225, MCL 408.651 to 408.670.**

(b) **“Aerial passenger tramway” means any of the following devices used to transport passengers:**

(i) **“Single and double reversible aerial tramways” which means devices in which that carry passengers are carried** in 1 or more enclosed cars that reciprocate between terminals.

(ii) **“Chair lift, gondola lift, and monorail” means a device in which that carries passengers are carried** on chairs, cars, or in gondola cabs attached to and suspended from a moving wire rope or attached to a moving wire rope or chain and supported on a standing wire rope, rail, or other structure.

(c) **“Amusement ride or amusement device” means a device or combination of devices or elements that carries, conveys, or directs an individual or individuals over or through a fixed or restricted course or within a defined area, for the primary purpose of amusement or entertainment. Amusement ride or amusement device does not include any of the following:**

(i) **Aerial adventure courses.**

(ii) **Aquatic play equipment.**

(iii) **Buildings or concourses used in laser games or paint ball.**

(iv) **Bungee jumping.**

(v) **Devices operated on a river, lake, or any other natural body of water.**

(vi) **Funhouses, haunted houses, and similar walk-through devices that are erected temporarily on a seasonal basis and do not have mechanical components designed to convey patrons.**

(vii) **Hayrides.**

(viii) **High speed go-karts capable of attaining speeds of 25 miles per hour or more.**

(ix) **Human-powered devices.**

- (x) Ice skating rinks.
 - (xi) Inflatable amusement devices.
 - (xii) Luge and bobsled tracks.
 - (xiii) Mechanical bulls.
 - (xiv) Parasailing.
 - (xv) Playground equipment, including, but not limited to, soft-contained play equipment, swings, seesaws, slides, stationary spring-mounted animal features, jungle gyms, rider-propelled merry-go-rounds, and trampolines.
 - (xvi) Rock walls.
 - (xvii) Roller skating rinks.
 - (xviii) Simulators that can be safely exited mid-ride.
 - (xix) Skateboard ramps or courses.
 - (xx) Skydiving simulators.
 - (xxi) Stationary wave systems.
 - (xxii) Trains or similar transit devices that can be or previously have been approved for use on the public transit system.
 - (xxiii) Trampoline courts.
 - (xxiv) Tubing and sledding hills.
 - (xxv) Wave pools.
 - (xxvi) Any other devices as determined by the department.
- (bd) "Amusement park" means a tract or area used principally as a permanent location for carnival-amusement rides.
- (e) "Engineer's attestation" means a letter signed by a licensed engineer that states the device complies with the applicable act and rules as well as the standards and codes that are adopted by reference in R 408.802.
- (f) "Gravity ride" means a ride installed on a manmade inclined surface that entirely depends on gravity for its operation to convey a passenger from the top of the incline to the bottom in a singular lane and conveys the passenger in or on a carrier, tube, bag, bathing suit, or clothes.
- (eg) "Major breakdown" means a stoppage of operation from whatever any cause resulting in damage, failure, or breakage of a structural or stress-bearing part of a ride.
- (2) A term defined in the act has the same meaning when used in these rules.

R 408.814 Definitions; ~~W~~-waterslide.

Rule 14. (1) "~~Water slide~~ **Waterslide**" means an inclined, **nonmechanical** amusement ride which **that** has all of the following characteristics:

- (a) Consists of 1 or more courses of varying slopes and directions.
- (b) Relies on gravity and not a mechanical system to propel its passengers.
- (c) Uses water to lubricate the course and to regulate passenger velocity. "~~Water slide~~" ~~does not include slides which are not separate amusement rides but which are customarily recreational equipment as evidenced by a vertical drop of 10 feet or less and a total linear slide length of 50 feet or less.~~
- (d) Includes a landing area or runout designed to bring riders to a complete stop and allow them to exit the ride in a safe manner.

(2) "**Waterslide**" **does not include slides that are not separate amusement rides but are customarily recreational equipment as evidenced by a vertical drop of 15 feet or less and a total linear slide length of 50 feet or less.**

R 408.815 Routing sheets.

Rule 15. (1) Routing sheets that are in a paper or digital format are required to be submitted to the department by mobile operators at the time of application for a permit or annual renewal of the permit. Routing sheets must include all of the following information:

- (a) Specific address where the rides will be set up.**
 - (b) Setup dates of the rides.**
 - (c) Operation dates of the rides.**
 - (d) Number of amusement devices on site, if available.**
 - (e) Specific amusement devices on site, if available.**
- (2) Additional locations must be updated with the department as soon as information is available.**

R 408.816 Operational training and emergency response training forms.

Rule 16. Forms to track training for staff operating devices must comply with all of the following:

- (a) Be made available to the department on request.**
- (b) Be maintained in a digital format that contains all of the information that is included in the paper forms and made available to the department digitally upon request.**
- (c) Contain all of the following:**
 - (i) The name of company.**
 - (ii) The name of the device.**
 - (iii) The state issued device number.**
 - (iv) The staff member or members that have been trained.**
 - (v) The date when the training was conducted.**
 - (vi) The name of the trainer.**
 - (vii) The training curriculum.**
 - (viii) The signature of the trainer and the staff that were trained.**

PART 2. DESIGN, CONSTRUCTION, AND OPERATION

R 408.829 Seating and carrying devices.

Rule 29. (1) Tubs, cars, chairs, seats, gondolas, and other carriers used on rides a ride shall must be designed and constructed as strong as practical. ~~Their~~ A ride's interior and exterior parts ~~that with~~ which passengers might come in contact shall ~~with must~~ be smooth, rounded, free from sharp, rough, or splintered edges or corners, and have no protruding screws or projections ~~which that~~ might cause injury. Parts ~~upon or against which~~ that passengers might be thrown ~~on or against~~ by action of the ride shall ~~shall~~ must be adequately padded to prevent or minimize the possibility of injury. The upholstery shall ~~shall~~ must be kept in repair, and no loose or flapping portions of upholstery or decoration ~~shall be permitted~~ are allowed.

(2) Propellers or other moving parts or decorations attached to tubs, cars, chairs, seats, gondolas, and other carriers shall must be securely fastened to such this equipment and shall must be keyed or otherwise secured so that they cannot come off during operation of the ride. Vanes, canopies, or other attachments ~~which that~~ might become disengaged shall must be secured with safety straps to prevent ~~their~~ them from flying away in case of breakage or dislocation.

(3) If a device on a ride is shown to have a deficiency or require repairs in the ride's tubs, cars, chairs, seats, gondolas, or other carriers used, the ride will be considered noncompliant as a whole and must not operate until returned to compliance based on the number of carriers on the device as follows:

(a) For devices with 10 or fewer carriers, the ride, as a whole, will be considered noncompliant and must not operate if 50% or more of the carriers are found deficient.

(b) For devices with more than 10 carriers, the ride, as a whole, will be considered noncompliant and must not operate if 25% or more of the carriers are found deficient.

(4) Subrule (3) of this rule does not apply to go-karts, bumper cars, bumper boats, or individual devices that can be removed or replaced as needed, including, but not limited to, train cars, log rides, or boat rides.

R 408.831 Safety retainers.

Rule 31. Tubs, cars, chairs, seats, gondolas, and other carriers used on a ride that depends upon on a single means of attachment or support shall ~~must~~ be equipped with a safety retainer to prevent the carrier, if it becomes disengaged from its support or attachment, from being catapulted from the ride and to prevent any action of the carrier which that might throw the occupants from the carrier while the ride is in motion. ~~This rule only applies to rides or situations determined to be hazardous after inspection by an authorized representative of the department and review of the conditions.~~

R 408.832 Permit-inspection decal.

Rule 32. (1) After a ride has been inspected and authorized for operation, the department shall issue a permit-inspection decal which shall ~~that must~~ be affixed to a basic part of the ride structure in such a manner as to be readily accessible to the authorized inspector. The ~~permit-inspection~~ decal shall ~~must~~ set forth ~~display~~ the identification number issued by the department for the individual ride and other information ~~deemed considered~~ necessary by the department.

(2) If the ride is transferred to another owner/operator, sold, rebuilt, or undergoes major alterations, it shall ~~must~~ be reinspected. ~~Upon~~ After completion of the inspection, a new permit-inspection decal shall ~~must~~ be issued.

(3) If a ride is transferred to another owner/operator or is sold, the permit inspection decal shall be obliterated by the owner/operator before the transfer or sale.

(4) (3) If a ~~permit-inspection~~ decal is mutilated so that it is no longer legible, the operator shall notify the department and a new ~~permit-inspection~~ decal shall ~~must~~ be issued.

R 408.833—Aerial passenger tramways; adoption by reference. **Rescinded.**

~~Rule 33. The standards contained in the American national standards institute safety requirements for aerial passenger tramways, ANSI B77.1 2006, are adopted by reference for aerial passenger tramway amusement rides in this state. This incorporated standard may be purchased from the American National Standards Institute, 25 West 43rd Street, New York, NY 10036, Phone: 212/642-4900, Fax: 212/398-0023, at a cost of \$125.00 as of the time of adoption of these rules. A copy of this code, published by the American National Standards Institute, is available for public inspection at www.ansi.org and the Department of Labor and Economic Growth, Bureau of Commercial Services, Carnival Amusement Safety Board, 2501 Woodlake Circle, Okemos, Michigan, 48864, Phone: 517/241-9233.~~

R 408.838—Leveling and alignment. **Rescinded.**

~~Rule 38. Corner posts, central columns, or support structures of a ride designed to operate on a perpendicular axis shall be plumb and secured so that the path of the sweeps or platforms shall be level and operate on a true horizontal plane at right angles to the axis of the pivot. A ride with carriers designed to operate on a horizontal axis shall be leveled so that the carriers orbit in a true perpendicular plane. The base of a ride that has a combination of orbiting planes or a ride that has carriers that operate normally in a plane other than true horizontal or vertical shall be leveled and~~

~~plumbed and secured so that they will not tip or shift and will be stable under the most adverse operating conditions, except for a ride designed to permit flotation characteristics or flexibility or designed to operate properly whether the base is plumb or level or not.~~

R 408.839 Gravity rides.

Rule 39. ~~A ride which is installed on an inclined surface, which depends on gravity for its operation to convey a passenger from the top of the incline to the bottom, and which conveys a passenger in or on a carrier, tube, bag, bathing suit, or clothes shall, in addition to other applicable rules, be in compliance with all of the following provisions:~~ **In addition to complying with other applicable rules, gravity rides must comply with all of the following;**

(a) The frequency of departure of carriers from the loading area ~~shall~~ **must** be controlled by a ride operator. The minimum distance or time between departures ~~shall~~ **must** be determined by the ~~director~~ **manufacturer or designer of the device.**

(b) The ride ~~shall~~ **must** have an operator located at the loading area and an attendant at the unloading area.

(c) If the entire ride is not visible to the operator, then additional ~~attendants~~ **persons** shall be located at other stations along the ride to ~~assure~~ **ensure** complete surveillance of the entire ride. Two-way communication ~~shall~~ **must** be provided between the operator and other attendants of the ride.

R 408.839a ~~Water slides~~ **Waterslides.**

Rule 39a. ~~A water slide~~ **waterslide** that conveys passengers ~~shall~~ **must**, in addition to other applicable rules, ~~be in compliance~~ **comply** with all of the following requirements:

(a) ~~Each water slide~~ **waterslide** ~~shall~~ **must** be designed and constructed to have a minimum safety factor of 2.

(b) ~~Each water slide~~ **waterslide** ~~shall~~ **must** be designed and constructed to retain the passengers within the ~~water slide~~ **waterslide** during the ride.

(c) At each loading area, a hard surface ~~which that is other than~~ **not** earth and ~~which~~ is reasonably level ~~shall~~ **must** be provided. The surface ~~shall~~ **must** be large enough to accommodate the intended quantity of passengers.

(d) If the elevation of a loading surface of a ~~water slide~~ **waterslide** is more than 12 inches above the elevation of an adjacent area, then guardrails ~~shall~~ **must** be installed on the exposed sides of the loading area.

(e) ~~A water slide~~ **waterslide** may terminate in a swimming pool or in a body of water such as a lake, river, stream, or artificial lake or reservoir. The design of the ~~slide~~ **waterslide** and its termination point ~~shall~~ **must** meet the requirements of the act and these rules.

(f) If the landing area or runout of a waterslide is in a public swimming pool, the landing area or runout of the waterslide ~~shall~~ **must** be specified by the designer ~~in accordance with R 408.821 of these rules.~~ Swimming in this area, other than to exit the flume, ~~or~~ landing, or runout area, is prohibited.

(g) If the landing area or runout of a waterslide is in an enclosed tank or in a pool used only to exit the waterslide ride, the landing area or runout ~~shall~~ **must** be specified by the designer ~~in accordance with R 408.821 of these rules.~~ This landing area or runout is not a public swimming pool.

(h) ~~The quality of the water in a swimming pool termination point is governed by rules for public swimming pools promulgated pursuant to the provisions of 1978 PA 368, MCL 333.12522, and administered by the department of environmental quality. The quality of water in a termination point other than a swimming pool is governed by rules for bathing beach water quality promulgated pursuant to the provisions of 1978 PA 368, MCL 333.12544, and administered by the department of environmental quality.~~

(ih) ~~A Each~~ **Each** waterslide ~~shall~~ **must** have at least 1 attendant located at the loading area at all times when the ride is being operated for the use of the public. A waterslide attendant shall be trained, prepared, and capable of controlling the frequency of departure of passengers from the loading area. The design and operation of a loading area common to more than 1 course ~~shall~~ **must** ~~permit~~ **allow** an attendant to remain knowledgeable of the disposition of each passenger. One attendant ~~shall be~~ **is** sufficient to dispatch riders on more than 1 course from a common loading area; if a mechanical system or operational controls are used to regulate rider dispatch on each affected course.

(ji) There ~~shall~~ **must** be at least 1 attendant in the unloading area at all times when the ride is being operated for the use ~~of~~ **by** the public. An attendant in an unloading area ~~shall~~ **must** be trained in cardiopulmonary resuscitation and ~~shall~~ **must** be trained, prepared, and capable of assisting any passenger exiting the ~~water slide~~ **waterslide**. One attendant ~~shall be~~ **is** sufficient to operate the termination point common to more than 1 water slide, if the ~~owner/operator~~ **owner or operator** the ~~water slide~~ **shall provide** **provides** sufficient attendants in the unloading area to ensure that each attendant can scan the entire area ~~for which~~ **that** he or she is responsible ~~for~~ every 10 seconds and respond within the area within 20 seconds.

(k-j) If the entire water slide is not visible to the attendant at the loading area or if the attendant is controlling entry to multiple courses, then some form of 2-way communication ~~shall~~ **must** be provided between the attendants of the ride to ensure that passenger loading is stopped if there are problems.

R 408.843 ~~Personal injuries and deaths.~~ **Rescinded.**

~~Rule 43. (1) Provision shall be made to render first aid when persons are injured on or around any ride.~~

~~(2) An owner/operator shall report, in writing to the department, an accident resulting in injury to any person within 24 hours after occurrence.~~

~~(3) In addition to the requirements of subrule (2) of this rule, the owner/operator shall report to the department by telephone any accident in which a fatality occurs or a person suffers a fracture, concussion, laceration, or other traumatic injury requiring immediate surgical or medical care resulting from structural or mechanical failure of a ride, or in which it might appear that the construction, design, or function of the ride is directly involved. If an accident specified in this subrule occurs on a non-workday of the department, the owner/operator shall report the incident to the department by 9:00 a.m. of the next business day. The department, after consultation with the owner/operator, may require that the scene of an accident be secured and not disturbed to any greater extent than necessary for removal of the deceased or injured persons. If a ride is removed from service due to an accident, the department shall order an immediate investigation of the secured site and the ride shall be released for repair and operation only after the investigation is completed.~~

R 408.844 Mechanical failure reports.

Rule 44. The ~~owner/operator~~ **owner or operator** of a carnival-amusement ride shall report a major breakdown to the department within 24 hours after ~~the~~ occurrence of the incident by telephone or other ~~media means~~ **means** of immediate communication. The ~~owner/operator~~ **owner or operator** shall confirm this report using the form provided by the department. This report ~~shall~~ **must** be forwarded to the department within 7 days after the occurrence of the reportable incident. ~~Upon~~ **After** being advised of a major breakdown, ~~the department may order the ride to be withheld from operation and the department shall conduct an immediate investigation. The ride shall be released for repair and operation only after completion of the department investigation.~~ **the department may require that the scene of an accident or major breakdown, or both, be secured and not disturbed to any greater extent than necessary for removal of the deceased or injured individuals. The department may order an**

immediate inspection of the secured site and the ride must be released for repair and operation only after the inspection is completed.

R 408.848 Control and operation.

Rule 48. (1) ~~A ride shall be operated by a person who is trained to operate the ride. The operator of a ride designed for the exclusive use of children and the operator of other rides for which the operator does not have mechanical or electrical controls shall be not less than 16 years of age. For all other rides, an operator shall be not less than 18 years of age.~~

~~–(2) An operator shall have knowledge of the use and function of normal operating controls, signal systems, and safety devices applicable to the ride and of the proper use, function, capacity, and speed of the particular ride at all times that it is being operated. When the ride is shut down, provision shall must be made to prevent the ride from being operated by the public. A person~~ **An individual** other than a trained operator shall not be permitted to handle the controls of a ride during normal operation, except where the ride is designed to be controlled by the passenger.

PART 3. PROCEDURES

R 408.872 Emergency applications for permits to operate.

Rule 72. When an ~~owner/operator~~ **owner or operator** has not previously intended to operate a ride in this state and has not made application for a permit to operate, the ~~owner/operator~~ **owner or operator**, ~~upon~~ **after** confirming a ~~Michigan~~ **booking in this state**, shall notify the department and apply for a permit to operate. The notice ~~shall must~~ be given not less than 30 days before the book date. When an emergency booking makes the 30-day notice impossible, the ~~owner/operator~~ **owner or operator** shall notify the department of the booking by telephone or other means of immediate communication and shall confirm this notice in writing. The director shall schedule and arrange for inspection of the rides and the issuance of a permit to operate **in conjunction with the owner or operator to best serve the needs of both parties** ~~as will best serve the needs of the owner/operator~~ and the orderly administration of the act and these rules. **If devices require inspection before operation, the owner or operator shall make every effort to arrive at a location within this state and set up the devices to be inspected.**

R 408.874 Daily inspection.

Rule 74. A ride ~~shall must~~ be inspected and tested on each day it is intended to be used. This inspection ~~shall must~~ be made by a ~~person~~ **an individual** commissioned to perform such inspections by the director. ~~Results of these~~ **Daily inspection and performance tests shall must be performed and recorded in the a manner prescribed, and on forms provided, by the department and shall** **manufacturer or ASTM F-24 if manufacturer standards are unavailable, and must** be certified by the ~~person~~ **individual** commissioned to perform these inspections. **Physical or digital results of these daily inspection and performance tests must be maintained and available to the department for review.** These inspection reports ~~shall must~~ be retained at the operation site until the next inspection is conducted by the director. An ~~owner/operator~~ **owner or operator** shall not knowingly use, or permit to be used, a ride ~~which that~~ is not properly assembled or ~~which~~ is defective or unsafe in any of its parts, controls, or safety equipment.

PART 4. PARTICIPATORY RIDES - GO-KARTS

R 408.897 Remote idle system.

Rule 97. (1) Effective May 1, 2000, each go-kart ~~shall~~ **must** be equipped with a receiver for a remote idle system. A go-kart ride attendant shall control the remote idle system.

(2) If the remote idle system becomes inoperable and requires repair, then the track ~~owner/operator~~ **owner or operator** shall make a written request to operate the go-kart rides until the repair is completed. ~~The duration of the repair period shall not be more than 30 days.~~

NOTICE OF PUBLIC HEARING

Department of Licensing and Regulatory Affairs
Bureau of Construction Codes
Administrative Rules for Carnival and Amusement Safety
Rule Set 2021-99 LR

NOTICE OF PUBLIC HEARING
Tuesday, August 22, 2023
09:00 AM

Michigan Library & Historical Center, First Floor Forum
Michigan Historical Center, 702 W Kalamazoo St, Lansing, MI 48915

The Department of Licensing and Regulatory Affairs will hold a public hearing to receive public comments on proposed changes to the Carnival and Amusement Safety rule set.

The proposed rules will update the Carnival and Amusement Safety rules with amendments, deletions, and additions deemed necessary for use in Michigan and to bring the code up to date.

By authority conferred on the director of the department of licensing and regulatory affairs by section 6 of the carnival-amusement safety act of 1966, 1966 PA 225, MCL 408.656, and Executive Reorganization Orders Nos. 1991-9, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 338.3501, 445.2001, 445.2011, 445.2025, and 445.2030.

The proposed rules will take effect immediately after filing with the Secretary of State. The proposed rules are published on the State of Michigan's website at www.michigan.gov/ARD and in the 8/15/2023 issue of the Michigan Register. Copies of these proposed rules may also be obtained by mail or electronic mail at the following email address: lara-bcc-rules@michigan.gov.

Comments on these proposed rules may be made at the hearing, by mail, or by electronic mail at the following addresses until 9/5/2023 at 05:00PM.

Attn: Katherine Place, Bureau of Construction Codes, P.O. Box 30254, Lansing, MI 48909

Bureau of Construction Codes, P.O. Box 30254, Lansing, MI 48909

lara-bcc-rules@michigan.gov

The public hearing will be conducted in compliance with the 1990 Americans with Disabilities Act. If the hearing is held at a physical location, the building will be accessible with handicap parking available. Anyone needing assistance to take part in the hearing due to disability may call 517-388-3613 to make arrangements.

PROPOSED ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

CONSTRUCTION CODE

Filed with the secretary of state on

~~These rules become effective immediately after filing with the secretary of state unless adopted under section 33, 44, or 45a (9) 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.~~

These rules become effective 120 days after filing with the secretary of state.

(By authority conferred on the director of the department of licensing and regulatory affairs by section 4 of the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1504, and Executive Reorganization Order Nos. 2003-1, 2008-4 and 2011-4, MCL 445.2011, 445.2025 and 445.2030)

R 408.30901a, R 408.30904a, R 408.30905a, R 408.30906a, R 408.30923a, R 408.30928a, R 408.30935a, R 408.30936a, R 408.30945a, R 408.30946, R 408.30995a, and R 408.30996 of the Michigan Administrative Code ~~is~~ **are** amended, R 408.30918 is added, and R 408.30902a, R 408.30908a, R 408.30910a, R 408.30912a, R 408.30927a, R408.30947a, and R 408.30948 are rescinded, as follows:

PART 9A. MECHANICAL CODE

AMENDMENTS AND ADDITIONS TO BASIC MECHANICAL CODE

R 408.30901a International mechanical code; adoption by reference.

Rule 901a. The provisions of the international mechanical code, ~~2015-2021~~ edition, except for sections ~~102.10, 102.11, 103.1 to 103.3, 104.2, 104.8, 104.8.1, 106.1.1, 106.1.2, 106.3, 106.3.2, 106.4.5, 109.1 to 109.6, 112.2.5 to 112.2.5.3, 113.1 to 113.4, 114.1, 115.3, 116.1 to 116.4, 1101.10, 1101.9, 1102.3, and~~ appendix B, **and appendix C**, govern the construction, alteration, relocation, demolition, use, and occupancy of buildings and structures. With the exceptions noted, the code is adopted in these rules by reference. All references to the International Building Code, International Residential Code, International Energy Conservation Code, National Electrical Code, International Mechanical Code, and International Plumbing Code mean the Michigan Building Code, Michigan Residential Code, Michigan Energy Code, Michigan Electrical Code, Michigan Mechanical Code, and Michigan Plumbing Code respectively. The code is available for inspection **and purchase** at the Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, 611 West Ottawa Street, ~~1st~~**First** Floor Ottawa Building, Lansing, Michigan 48933. The code may be purchased from the International Code Council,

through the **bureau of construction code's** bureau's website at www.michigan.gov/bcc, at a cost as of the time of adoption of these rules of ~~\$76.00~~ **\$87.50 for each code book.**

R 408.30902a ~~Licensing requirements.~~ **Rescinded.**

~~Rule 902a. Section 101.2 of the code is amended to read as follows: 101.2. Scope. This code regulates the design, installation, maintenance, alteration, and inspection of mechanical systems that are permanently installed and utilized to provide control of environmental conditions and related processes within buildings. This code shall also regulate the mechanical systems, system components, equipment, and appliances specifically addressed in this code.~~

~~Exceptions:~~

- ~~1. Mechanical systems within 1 and 2 family dwellings shall be constructed and maintained in accordance with the Michigan residential code for 1 and 2 family dwellings.~~
- ~~2. Mechanical systems in existing buildings undergoing repair, alterations, or additions, and change of occupancy shall be permitted to comply with the Michigan rehabilitation code for existing buildings.~~

R 408.30904a ~~Inspector registration~~ **Right of entry.**

Rule 904a. Section ~~103.1~~ **104.4** of the code is amended to read as follows:

~~103.1. 104.4. General. The position of mechanical inspector is created. The mechanical inspector shall be appointed in accordance with 1986 PA 54, MCL 338.2301 et seq. If a building or premises are occupied, the code official shall present credentials to the occupant and request entry. If a building or premises is unoccupied, the code official shall first make a reasonable effort to locate either the owner, the owner's authorized agent, or another person having care or control of the building or premises and request entry. If entry is refused, the code official has recourse to every remedy provided by law to secure entry. If a code official obtains a proper inspection warrant or other remedy provided by law to secure entry, the owner, owner's authorized agent or occupant or person having charge, care or control of the building or premises shall not fail or neglect, after a proper request is made as provided in this rule, to allow permit the code official prompt entry into the building or premises to inspect or examine the building or premises pursuant to this code.~~

R 408.30905a Definitions.

Rule 905a. The ~~following~~ definitions ~~are of the act~~ is added to section 202 as follows: ~~and the definition of code official is amended to read as follows:~~

~~202. (a) "Act" means the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1501 to 125.1531. and known as the Stille-DeRossett-Hale single state construction code act.~~

~~"Code official" means a person who is appointed and employed by a governmental subdivision who is charged with the administration and enforcement of the state code or codes, and who is registered in accordance with 1986 PA 54, MCL 338.2301 to 338.2313.~~

~~(b) "Cold weather months" means November 1 through April 1 in Michigan Uniform Energy Code climate zone 5A and from October 15 through May 1 in Michigan Uniform Energy Code climate zones 6A and 7.~~

~~(c) "Occupiable space" means a room or enclosed space designed for regular or non-regular human occupancy in which individuals congregate for activities, amusement, educational or similar purposes, or in which occupants are engaged at labor, and which is equipped with means of egress, heat, light, and ventilation facilities meeting the requirements of this code. Occupiable~~

space does not include those spaces that are intended primarily for other purposes such as storage rooms and equipment rooms.

R 408.30906a Work permit; submitting plans and specifications to authority.

Rule 906a. Sections ~~106.1, 106.2, 106.3, 106.3.1 106.4, 106.4.3 and, 106.4.4~~ of the code are amended to read as follows:

~~106.1. Permits required. A contractor licensed under 1984 PA 192, MCL 338.971 to 338.988 who desires to erect, install, enlarge, alter, repair, remove, convert, or replace a mechanical system, the installation of which is regulated by this code, or to cause such work to be done, shall first make application in accordance with the requirements of the act.~~

106.2. Permits not required. A person is not required to obtain a permit to perform mechanical work on any of the following items:

- (a) A portable heating or gas appliance that has inputs of less than 30,000 Btu's per hour.
- (b) Portable ventilation appliances and equipment.
- (c) A portable cooling unit.
- (d) Steam, hot water, or chilled water piping within any heating or cooling equipment or appliances regulated by the code.
- (e) The replacement of any minor part that does not alter the approval of equipment or an appliance or make such equipment or appliance unsafe. Except for a heat exchanger, replacement of any manufacturer installed part on a listed and labeled appliance or listed and labeled equipment, if the replacement does not alter the approval of the appliance or equipment or make the appliance or equipment unsafe.**

~~(f) A portable evaporative cooler.~~

~~(g)~~ **(f)** Self-contained refrigeration systems that contain 10 pounds or less of refrigerant, or that are actuated by motors of \pm 1.5 horsepower or less.

~~(h)~~ **(g)** Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

~~(i)~~ **(h)** An oil burner that does not require connection to a flue, such as an oil stove and a heater equipped with a wick.

~~(j) A portable gas burner that has inputs of less than 30,000 Btu's per hour.~~

~~(k)~~ **(i)** When changing or relocating a gas meter or regulator, a permit is not required when installing **Installing** gas piping which shall be limited to 10 feet in length and not more than 6 fittings **when changing or relocating a gas meter or regulator.**

~~(l)~~ **(j)** When installing geothermal vertical closed loops under the supervision of a mechanical contractor licensed in HVAC as long as the company meets both the following:

(1) Has obtained a certificate of registration as a well drilling contractor pursuant to part 127 of the public health code; **1978 PA 368, MCL 333.12701 to 333.12771.**

(2) Has installed the geothermal vertical closed loops in accordance with the department of ~~environmental quality's~~ environment, **Great Lakes, and energy's** best practices regarding geothermal heat pump closed loops.

Exemption from the permit requirements of this code shall not ~~be deemed to~~ grant authorization for work to be done in violation of the provisions of this code or other laws or ordinances of this jurisdiction.

~~106.3 Application for permit. Each application for a permit, along with the required fee, shall be filed with the code official on a form furnished for that purpose and shall contain a general description of the proposed work and its location. The contractor who is performing the work shall sign the application. The permit application shall indicate the proposed occupancy of all parts of the building and of that~~

~~portion of the site or lot, if any, not covered by the building or structure and shall contain the information required by the act.~~

106.3.1 Construction documents.

(1) Construction documents, engineering calculations, diagrams, and other data shall be submitted in 2 or more sets with each application for a permit. **Code officials may require additional construction documents at any point during construction.** The code official shall require construction documents, computations, and specifications to be prepared and designed by a registered design professional, **licensed** in accordance with **the occupational code**, 1980 PA 299, MCL 339.101 to ~~339.2919~~ **339.2677**.

Exceptions:

1. The code official may waive the submission of construction documents, calculations, or other data if the nature of the work applied for is such that reviewing of construction documents is not necessary to determine compliance with the code.

2. Construction documents shall not be required when obtaining a permit from the ~~State of Michigan~~, bureau of construction codes for any of the following circumstances:

- ~~a. One and 2 family dwellings when the heating or cooling input rating is 375,000 Btu's or less.~~
- ~~b. a.~~ Alterations and repair work determined by the mechanical official to be of a minor nature.
- ~~e. b.~~ Business, mercantile, and storage **use group** buildings having HVAC equipment only, with 1 fire area and not more than 3,500 square feet.
- ~~d. c.~~ Work completed by a governmental subdivision or state agency costing less than \$15,000.00.

~~Bureau code officials may require construction documents in unusual designs and where questions arise as a result of a system design beyond conventional system parameters.~~

(2) Where special conditions exist, the code official may require additional construction documents to be prepared by a registered design professional.

(3) Construction documents shall be drawn to scale and shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed and show in detail that the work conforms to the provisions of this code.

(4) Construction documents for buildings more than 2 stories in height shall indicate where penetrations will be made for mechanical systems, and the materials and methods for maintaining required structural safety, fire-resistance rating, and fire blocking.

106.4. Permit issuance. The enforcing agency shall review the application, construction documents, and other data filed by an applicant for a permit in accordance with the act. If the enforcing agency finds that the proposed work conforms to the requirements of the act, the code, and all other applicable laws and ordinances ~~thereto~~, and that all fees prescribed by the act have been paid, then the enforcing agency shall issue a permit to the applicant.

106.4.3. Expiration. Each permit issued by the code official under the provisions of the code shall expire by limitation and become null and void if the work authorized by the permit ~~is~~ **has not begun started** within 180 days ~~from~~ **after** the date of the permit **is issued**, or if the work authorized by the permit is suspended or abandoned at any time after the work ~~is begun~~ **has started**, for a period of 180 days. ~~Before work is recommenced, the permit shall be reinstated if the code has not changed. Before work is recommenced on a project where a permit has expired, the permit must either be restored to "Issued" status and all necessary fees must be paid, or a new permit must be secured.~~ If the code has changed and the work was not started, a new permit shall be first obtained, provided no changes have been made or will be made in the original construction document and that suspension or abandonment has not exceeded 1 year.

106.4.4. Extensions. A permittee holding an unexpired permit may apply for an extension of the time within which the permittee may begin work under that permit if for good and satisfactory reasons. The

code official shall extend the time for action by the permittee for a period not exceeding 180 days if there is reasonable cause. No permit shall be extended more than once.

R 408.30908a Means of appeal. Rescinded.

~~Rule 908a. Section 109.1 of the code is amended to read as follows:~~

~~109.1. Means of appeal. An interested person may appeal a decision of the enforcing agency to the board of appeals in accordance with the act. An application for appeal shall be based on a claim that the true intent of the code or the rules governing construction have been incorrectly interpreted, the provisions of the code do not apply, or an equal or better form of construction is proposed. The decision of a local board of appeals may be appealed to the Construction Code Commission in accordance with the act and the applicable time frames.~~

R 408.30910a Stop work orders. Rescinded.

~~Rule 910a. Section 108.5 of the code is amended to read as follows:~~

~~108.5. Stop work orders. Notice shall be in accordance with the act. A person who is served with a stop work order, except for work that a person is directed to perform to remove a violation or unsafe condition, is subject to the penalty provisions prescribed by the act.~~

R 408.30912a Enclosed parking garages. Rescinded.

~~Rule 912a. Section 404.1 of the code is amended to read as follows:~~

~~404.1. Enclosed parking garages. Mechanical ventilation systems for enclosed parking garages are not required to operate continuously where the system is arranged to operate automatically upon detection of carbon monoxide (CO) not to exceed 25 parts per million (ppm) and nitrogen dioxide (NO₂) not to exceed 3 ppm by approved automatic detection devices.~~

~~404.1.1 Testing. Testing of detection devices shall be per manufacturer's installation instructions. All detectors shall be calibrated per the manufacturer's instructions at an interval not to exceed 1 year.~~

R 408.30918 Violation penalties.

Rule 918. Section 115.4 of the code is amended to read as follows:

115.4 Violation penalties. A person that violates a provision of the code, that fails to conform with any of the requirements of the code, or that erects, installs, alters, or repairs mechanical work in violation of the approved construction documents or directive of the enforcing agency, or a permit or certificate issued under the provisions of the code is subject to review, which may result in licensing action pursuant to the skilled trades regulation act, 2016 PA 407, MCL 339.5101 to 339.6133.

R 408.30923a Equipment installation.

Rule 923a. Sections 301.10.1 is added to the code and section 309.1 of the code is amended to read as follows:

301.10.1. Electrical disconnect. The mechanical contractor shall ensure that all equipment ~~have an~~ is equipped with an externally accessible electrical disconnect switch on, or immediately adjacent to, within 6 feet of, the equipment. The disconnect shall be permanently identified.

309.1. Occupiable space heating ~~system~~-**systems**. Interior spaces intended for human occupancy shall be provided with heating facilities capable of maintaining a minimum **interior** room temperature of **68 degrees Fahrenheit, 20 degrees Celsius, degrees Fahrenheit** at a point 3 feet, **914 millimeters**, above the floor and 2 feet, **609.6 millimeters**, from exterior walls at the **required** design temperature. The installation of portable space heaters shall not be used to ~~achieve compliance~~ **comply** with this section.

Exception:

1. Interior spaces where the primary purpose is not associated with human comfort.
2. Group F, H, S, and U occupancies. **Interior, seasonal spaces that are unoccupied during cold weather months, including restrooms, shower buildings, day use restrooms, concession stands, press boxes, ticket booths and locker rooms.**
3. Group F, H, S or U occupancies.

R 408.30927a ~~Equipment and appliances on roofs or elevated structures.~~ **Rescinded.**

~~Rule 927a. Section 306.5 of the code is amended to read as follows:~~

~~306.5 Equipment and appliances on roofs or elevated structures. Where equipment or appliances requiring access are located on an elevated structure or the roof of a building so that personnel will have to climb higher than 16 feet above grade to access this equipment or appliances, an interior or exterior means of access shall be provided. Such access shall not require climbing over obstructions greater than 30 inches high or walking on roofs having a slope greater than 4 units vertical in 12 units horizontal (33-percent slope). Such access shall not require the use of portable ladders. Where access involves climbing over parapet walls, the height shall be measured to the top of the parapet wall.~~

~~Permanent ladders installed to provide the required access shall comply with all of the following minimum design criteria:~~

- ~~(1) The side railing shall extend above the parapet or roof edge not less than 30 inches.~~
- ~~(2) Ladders shall have rung spacing not to exceed 14 inches on center. The uppermost rung shall be a maximum of 24 inches below the upper edge of the roof hatch, roof, or parapet, as applicable.~~
- ~~(3) Ladders shall have a toe spacing not less than 6 inches deep.~~
- ~~(4) There shall be a minimum of 18 inches between rails.~~
- ~~(5) Rungs shall have a minimum 0.75-inch diameter and be capable of withstanding a 300-pound load.~~
- ~~(6) Ladders over 30 feet in height shall be provided with offset sections and landings capable of withstanding 100 pounds per square foot. Landing dimensions shall be not less than 18 inches and not less than the width of the ladder served. A guard rail shall be provided on all open sides of the landing.~~
- ~~(7) Climbing clearance. The distance from the center line of the rungs to the nearest permanent object on the climbing side of the ladder shall be a minimum of 30 inches measured perpendicular to the rungs. This distance shall be maintained from the point of ladder access to the bottom of the roof hatch. A minimum clear width of 15 inches shall be provided on both sides of the ladder measured from the midpoint of and parallel with the rungs, except where cages or wells are installed.~~
- ~~(8) Landing required. A ladder shall be provided with a clear and unobstructed bottom landing area having a minimum dimension of 30 inches by 30 inches centered in front of the ladder.~~
- ~~(9) Ladders shall be protected against corrosion by approved means.~~
- ~~(10) Access to ladders shall be provided at all times.~~

~~Catwalks installed to provide the required access shall be not less than 24 inches wide and shall have railings as required for service platforms.~~

~~Exception 1: An approved, permanent building mounted ladder receiver which prevents the ladder from sliding sideways off the building or slipping backward and meets the ladder safety standard of OSHA regulations (Standard 29 CFR) Ladders. 1926.1053 (b)(1) may be installed on buildings under 20 feet in height above grade to access such equipment or appliances.~~

~~Exception 2: This section shall not apply to group R-3 occupancies.~~

~~306.5.1 Sloped roofs. Where appliances are installed on a roof having a slope of 3 units vertical in 12 units horizontal or greater and having an edge more than 30 inches above grade at such edge, a level platform shall be provided on each side of the appliance to which the access is required for service, repair, or maintenance. The platform shall not be less than 30 inches in any dimension and shall be provided with guards. The guards shall extend not less than 42 inches above the platform, shall be constructed so as to prevent the passage of a 21-inch diameter sphere, and shall comply with the loading requirements for guards specified in the Michigan building code. Access to appliances shall not require climbing over obstructions greater than 30 inches high or walking on roofs having a slope greater than 4 units vertical in 12 units horizontal permanent ladders, or equivalent, shall be provided on both sides requiring access in accordance with the ladder requirements of section 306.5.~~

~~Exception: This section shall not apply to group R-3 occupancies.~~

R 408.30928a Solid fuel burning equipment.

Rule 928a. ~~Sections~~ **Section** 901.5, ~~929.0, and 929.1~~ **is** added to the code to read as follows:

901.5 Solid fuel burning equipment. Solid fuel burning equipment shall be listed and labeled in accordance with section ~~301.4~~ **304.1** of the code and installed in accordance with the manufacturer's instructions and NFPA 211-~~2013~~**2019** requirements.

~~929.0 Solid fuel hydronic heaters.~~

~~929.1 Solid fuel hydronic heaters shall be listed and labeled, or approved by the code official in accordance with the Michigan mechanical code section 105, or have certificate of acceptability issued by the Michigan construction code commission.~~

R 408.30935a Commercial kitchens; ventilation. **Performance test.**

Rule 935a. ~~Sections~~ **Section** 506.1, 506.3.6, 507.1, and 507.2.6, of the code are amended and sections ~~507.16.1.1~~ **507.6.1.1** is added to the code to read as follows:

~~506.1. Ventilation requirements for commercial kitchens. Commercial kitchen hood ventilation ducts and exhaust equipment shall be in compliance with NFPA 96-2014, which is the standard of the national fire protection association listed in chapter 15 of the code.~~

~~506.3.6 Grease duct clearances. Grease duct systems and exhaust equipment serving a type I hood shall have clearances to combustibles as required by NFPA 96-2014, as listed in chapter 15 of the code.~~

~~Exception: Listed and labeled factory-built commercial kitchen grease ducts and exhaust equipment installed in accordance with section 304.1 of the code.~~

~~507.1 General. Commercial kitchen exhaust hoods shall comply with the requirements of this subrule and NFPA 96-2014. Hoods shall be type I or type II and shall be designed to capture and confine cooking vapors and residues. A type I or type II hood shall be installed at or above all commercial cooking appliances in accordance with sections 507.2 and 507.3 of the code. When a cooking appliance under a single hood requires a type I hood, a type I hood shall be installed. When a type II hood is required, a type I or type II hood shall be installed. When a type I hood is installed, the installation of the entire system, including the hood, ducts, exhaust equipment, and makeup air system, shall comply with the requirements of sections 506, 507, 508, and 509 of the code.~~

~~Exceptions:~~

~~1. Factory-built commercial exhaust hoods that are listed and labeled in accordance with UL 710, and installed in accordance with section 304.1 of the code, shall not be required to comply with sections 507.1.5, 507.2.3, 507.2.5, 507.2.8, 507.3.1, 507.3.3, 507.4, and 507.5 of the code.~~

~~2. Factory built commercial cooking recirculating systems that are listed and labeled in accordance with UL 710B and installed in accordance with section 304.1 of the code, shall not be required to comply with sections 507.1.5, 507.2.3, 507.2.5, 507.2.8, 507.3.1, 507.3.3, 507.4, and 507.5 of the code. Spaces in which these systems are located shall be considered kitchens and shall be ventilated in accordance with table 403.3.1.1. For the purpose of determining the floor area required to be ventilated, each appliance shall be considered as occupying not less than 100 square feet (9.3 m²).~~

~~3. When cooking appliances are equipped with integral down draft exhaust systems and these appliances and exhaust systems are listed and labeled for the application in accordance with NFPA 96-2014, a hood shall not be required at or above these appliances.~~

~~507.2.6. Clearances for type I hood. A type I hood shall be installed with clearances from combustibles as required by NFPA 96-2014 as listed in chapter 15 of the code.~~

~~507.16.1.1 Smoke test. The field test identified in section 507.16.1~~ **507.6.1.1** of the code shall be conducted in accordance with the smoke testing procedures established by the bureau of construction codes, which are available at no cost from the bureau **of construction code's** website at www.michigan.gov/bcc, or from the Michigan Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, 611 West- Ottawa Street., 4th **First Floor** Ottawa Building, Lansing, Michigan 48933.

R 408.30936a Scope of article.

Rule 936a. Section 1001.2 is added to the code ~~and section 1004.3 of the code is amended~~ to read as follows:

1001.2. Boilers. In addition to the other provisions of the code, this article governs the installation, alteration, and repair of water heaters and boilers. The installation of boilers shall ~~be in compliance~~ **comply** with the provisions of this code and the ~~Michigan boiler code.~~ **skilled trades regulation act, 2016 PA407, MCL 339.5101 to 339.6133.**

R 408.30945a Ventilation; exhaust.

Rule 945a. Sections 501.3, 504.4, ~~and 504.8.2~~ **504.9.2**, 504.10, ~~and 505.3~~ of the code are amended to read as follows:

501.3 Exhaust discharge. The air removed by every mechanical exhaust system shall be discharged outdoors at a point where it will not cause a public nuisance and not less than the distances specified in section 501.3.1 of the code. The air shall be discharged to a location from which it cannot again be readily drawn in by a ventilating system. Air shall not be exhausted into an attic or a crawl space, be directed onto walkways, or terminate within 3 feet of a ventilated section in a soffit.

Exceptions:

1. Whole-house ventilation-type attic fans shall be permitted to discharge into the attic space of dwelling units that have private attics.

2. Commercial cooking recirculating systems.

3. When installed in accordance with the manufacturer's instructions and when mechanical or natural ventilation is otherwise provided in accordance with chapter 4 of the code, listed and labeled domestic ductless range hoods shall not be required to discharge to the outdoors.

504.4 Exhaust installation. Dryer exhaust ducts for clothes dryers shall terminate on the outside of the building, shall not terminate within 3 feet of a ventilated section in a soffit, and shall be equipped with a ~~back draft~~ **back-draft** damper. Screens shall not be installed at the duct termination. Ducts shall not be connected or installed with sheet metal screws or other fasteners that will obstruct the exhaust flow.

Clothes dryer exhaust ducts shall not be connected to a vent connector, vent, or chimney. Clothes dryer exhaust ducts shall not extend into or pass through ducts or plenums.

~~504.8.2~~ **504.9.2** Duct installation. Dryer exhaust ducts shall be supported at 4-foot, (1,219 **millimeters, mm**) intervals and secured in place. The insert end of the duct shall extend into the adjoining duct or fitting in the direction of airflow. Ducts shall not be joined with screws or similar fasteners that protrude into the inside of the duct.

~~504.10 Common exhaust systems for clothes dryers located in multistory structures. When a common multistory duct system is designed and installed to convey exhaust from multiple clothes dryers, the system shall be engineered by a registered design professional and installed in accordance with the Michigan building construction codes.~~

~~505.3 Common exhaust systems for domestic kitchens located in multistory structures. When a common multistory duct system is designed and installed to convey exhaust from multiple domestic kitchens, the system shall be engineered by a registered design professional and installed in accordance with the Michigan building construction codes.~~

R 408.30946 Alterations and repairs.

Rule 946. Section 1001.3 is added to the code to read as follows:

1001.3. Alterations and repairs to boilers shall be in accordance with the ~~Michigan boiler act, 1965 PA 290, MCL 408.751 to MCL 408.776.~~ **skilled trades regulation act, 2016 PA 407, MCL 339.5101 to 339.6133.**

R 408.30947a ~~Boiler connections.~~ **Rescinded.**

~~Rule 947a. Section 1005.1 of the code is amended to read as follows:~~

~~1005.1 Valves. Every boiler or modular boiler shall have a shutoff valve in the supply and return piping. For multiple boiler or multiple modular boiler installations, each boiler or modular boiler shall have individual shutoff valves in the supply and return piping.~~

~~Exception: Shutoff valves are not required in a system having a single low pressure steam boiler. When a boiler is located above the system and can be drained without draining the system, stop valves may be eliminated.~~

R 408.30948 ~~Boiler safety devices.~~ **Rescinded.**

~~Rule 948. Section 1006.1.1 is added to the code and 1006.7 of the code is amended to read as follows:~~

~~1006.1.1 Safety and safety relief inlets. The opening or connection between the boiler and any safety or safety relief valve shall have at least the area of the valve inlet.~~

~~1006.7. Boiler safety devices. Boilers shall be equipped with controls and limit devices as required by ASME, CSD-1-2012, the manufacturer's installation instructions, and the conditions of the listing. All controls and safety devices shall be tested and maintained in accordance with ASME code CSD-1-2012.~~

R 408.30995a Automatic sprinkler systems generally.

Rule 995a. Sections 1600.0, 1600.1, and 1600.2 are added to the code to read as follows:

1600.0. Automatic sprinkler systems; fire suppression systems.

1600.1 Scope. The provisions of this article provide the minimum requirements for the design and installation of automatic sprinkler systems in all occupancies, except for 1- and 2-family dwellings.

1600.2. Installations. Installations shall be in compliance with the provisions of the code. Fire suppression systems shall be in compliance with the provisions of the building code and shall be installed in accordance with the code and NFPA-13-20102019, or NFPA-13D-20102019, or NFPA-13R-20102019, and NFPA-24-20102019, ~~installation of sprinkler systems, installation of sprinkler systems in 1 and 2 family dwellings and manufactured homes, installation of sprinkler systems in residential occupancies up to 4 stories in height,~~ and standards of the ~~n~~National ~~f~~Fire ~~p~~rotection ~~a~~ssociation listed in chapter 15.

R 408.30996 Process piping.

Rule 996. Sections 1700.0 and 1700.1 are added to the code to read as follows:

1700.0. Process piping.

1700.1 Scope. The provisions of this chapter provide the minimum requirements for the design and installation of process piping systems pursuant to ASME B31.3-20102022.

1700.2 Process piping. Piping which is not part of a refrigeration system or part of a system designed to provide air conditioning. Process piping includes pipes which transfer chemicals and other fluids, gases, or vapors for systems other than air conditioning systems as covered by the Michigan mechanical code.

NOTICE OF PUBLIC HEARING

Department of Licensing and Regulatory Affairs
Bureau of Construction Codes
Administrative Rules for Construction Code- Part 9A Mechanical Code
Rule Set 2022-55 LR

NOTICE OF PUBLIC HEARING
Tuesday, August 22, 2023
01:00 PM

Michigan Library & Historical Center. First Floor Forum
Michigan Historical Center, 702 W Kalamazoo St, Lansing, MI 48915

The Department of Licensing and Regulatory Affairs will hold a public hearing to receive public comments on proposed changes to the Construction Code- Part 9A Mechanical Code rule set.

The proposed rules will adopt by reference the 2021 edition of the International Mechanical Code (IMC), with amendments, deletions, and additions deemed necessary for use in Michigan. Part 9a. of the Construction Code currently adopts by reference the 2015 edition of the IMC, which is based on mechanical principals used in mechanical codes across the country. Part 9A also includes rules that amend the IMC to address mechanical practices that are specific to Michigan and delete those requirements in the IMC that do not pertain to Michigan because of the state's geographic and environmental features.

The proposed rules will provide the latest standards to protect the health and promote the safety and welfare of Michigan's residents by regulating the installation and inspection of mechanical equipment and systems within the state.

By authority conferred on the director of the department of licensing and regulatory affairs by section 4 of the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1504, and Executive Reorganization Order Nos. 2003-1, 2008-4 and 2011-4, MCL 445.2011, 445.2025 and 445.2030.

The proposed rules will take effect 120 days after filing with the Secretary of State. The proposed rules are published on the State of Michigan's website at www.michigan.gov/ARD and in the 8/15/2023 issue of the Michigan Register. Copies of these proposed rules may also be obtained by mail or electronic mail at the following email address: Lara-bcc-rules@michigan.gov.

Comments on these proposed rules may be made at the hearing, by mail, or by electronic mail at the following addresses until 9/5/2023 at 05:00PM.

Attn: Tony Williamson, Bureau of Constuction Codes P.O. Box 30254, Lansing, MI 48909

Bureau of Construction Codes, P.O Box 30254, Lansing, MI 48909

Lara-bcc-rules@michigan.gov

The public hearing will be conducted in compliance with the 1990 Americans with Disabilities Act. If the hearing is held at a physical location, the building will be accessible with handicap parking available. Anyone needing assistance to take part in the hearing due to disability may call 517-388-3536 to make arrangements.

PROPOSED ADMINISTRATIVE RULES

DEPARTMENT OF HEALTH AND HUMAN SERVICES

PUBLIC HEALTH ADMINISTRATION

BUREAU OF EMERGENCY PREPAREDNESS, EMS, AND SYSTEMS OF CARE
STATEWIDE STEMI SYSTEM

Filed with the secretary of state on

These rules become effective immediately after filing with the secretary of state unless adopted under section 33, 44, or 45a(9) 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 health and human services by sections 2233, 9227, and 20910 of the public health code, 1978 PA 368, MCL 333.2233, 333.9227 and 333.20910, and section 1186 of article 6 of 2022 PA 166.) R 330.201, R 330.202, R 330.203, R 330.204, R 330.205, R 330.206, R 330.207, R 330.208, R 330.209, R 330.210, R 330.211, R 330.212, R 330.213, and R 330.214 are added to the Michigan Administrative Code, as follows:

PART 1. GENERAL PROVISIONS

R 330.201 Definitions; A to E.

Rule 1. As used in these rules:

- (a) “ACC” means the American College of Cardiology.
- (b) “Accreditation” means a process that a healthcare facility undergoes to demonstrate compliance with standards developed by a department-approved nationally recognized professional accrediting organization.
- (c) “Administrative hearing” means a hearing conducted pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.
- (d) “AHA” means the American Heart Association.
- (e) “Certification” means a process that a healthcare facility undergoes to meet predetermined standards of a department-approved nationally recognized professional certifying organization.
- (f) “Code” means the public health code, 1978 PA 368, MCL 333.1101 to 333.25211.
- (g) “Department” means the department of health and human services.
- (h) “Designation” means a status that is conferred by the department on STEMI centers and facilities that have been verified by a nationally recognized professional accrediting and certifying organization.
- (i) “Disciplinary action” means an action taken by the department against a healthcare facility or a regional STEMI network for failure to comply with the code, rules, or protocols approved by the department.
- (j) “ECG” or "electrocardiogram" means a test that measures the electrical activity of a heartbeat.
- (k) “EMS” means emergency medical services.

R 330.202 Definitions; F to N.

Rule 2. As used in these rules:

- (a) “Healthcare facility” means a facility licensed under section 20141 or 21511 of the code, MCL 333.20141 and 333.21511, that operates a service for treating emergency patients, 24 hours per day, 7 days per week.
- (b) “Hold itself out” means an agency, healthcare facility, or STEMI care center or facility advertises, announces, or charges specifically for providing STEMI care services.
- (c) “Inter-facility STEMI transfer” means identifying the group of STEMI patients that require additional STEMI resources with the goal of providing optimal care by the timely transfer of these patients to an appropriate level of care to optimize outcome.
- (d) “MCA” or “medical control authority” means an organization designated by the department to provide medical control.
- (e) “MCA area” means the geographic area comprised of a county, group of counties, or parts of an individual county, as designated by the department.
- (f) “Medical control” means the supervision and coordination of emergency medical services through an MCA, as prescribed, adopted, and enforced through department-approved protocols, within an emergency medical system.
- (g) “Non-designated healthcare facility” means a healthcare facility that has chosen not to be a part of this state’s STEMI system of care or a healthcare facility that the department has not designated as a STEMI center or facility.

R 330.203 Definitions; P to V.

Rule 3. (1) As used in these rules:

- (a) “PCI” or “percutaneous coronary intervention” means a procedure used to open or widen a narrowed or blocked coronary artery to restore the blood flow that supplies the heart and is usually performed on an emergency basis for a STEMI patient.
- (b) “Protocol” means a patient care standard, standing order, policy, or procedure for providing emergency medical services that is established by an MCA and approved by the department under section 20919 of the code, MCL 333.20919.
- (c) “Provisional” means a one-time temporary time-limited status conferred on a facility by the department that most closely matches the current level of care based on the published criteria for accreditation or certification for which it is applying.
- (d) “PSRO” or “professional standards review organization” means a committee established by a life support agency or an MCA for the purpose of improving the quality of medical care, as provided in section 1 of 1967 PA 270, MCL 331.531.
- (e) “Quality improvement program” means actions taken by a life support agency, MCA, STEMI center or facility, or jointly between a life support agency, MCA, or STEMI center or facility with a goal of continuous improvement of medical care in accordance with the code. Actions must take place under a PSRO, as provided in sections 1 to 3 of 1967 PA 270, MCL 331.531 to 331.533.
- (f) “Regional STEMI advisory council” means a committee established by a regional STEMI system whose function is to provide leadership and direction in matters related to STEMI system development in their region, and to monitor the performance of the STEMI agencies and healthcare facilities within the region, including, but not limited to, the review of STEMI deaths and preventable complications, and it is comprised of the following:
 - (i) MCA personnel.
 - (ii) EMS personnel.
 - (iii) Life support agency representatives.
 - (iv) Healthcare facility representatives.
 - (v) Physicians.

(vi) Nurses.

(vii) Consumers.

(g) “Regional STEMI plan” means a written plan prepared by a regional STEMI advisory council, and approved by the regional STEMI system, that is based on minimum criteria established by the department.

(h) “Regional STEMI system” means an organized group comprised of the local MCA within a region that integrates into the existing regional trauma network and is responsible for appointing a regional STEMI advisory council and creating a regional STEMI plan.

(i) “Regional systems of care authority” means an organization recognized by the department that is comprised of MCAs within a region and is also approved as the regional trauma network, which provides clinical oversight for the regional trauma system, regional stroke system, and regional STEMI system within the region.

(j) “RPSRO” or regional PSRO means a committee established by the regional STEMI system for the purpose of improving the quality of STEMI care within a recognized STEMI region as provided in sections 1 to 3 of 1967 PA 270, MCL 331.531 to 331.533.

(k) “Statewide STEMI care advisory subcommittee” means a STEMI care advisory subcommittee that acts as the department’s subject matter experts regarding the clinical and operational components of STEMI care.

(l) “Statewide STEMI registry” means a system for collecting data that the department manages, analyzes, and disseminates.

(m) “Statewide STEMI system of care” means a comprehensive and integrated arrangement of emergency services personnel, STEMI centers or facilities, equipment, services, communications, MCAs, and organizations necessary to provide STEMI care to all patients within a particular geographic region.

(n) “STEMI” means an ST-segment elevation myocardial infarction defined by symptoms of myocardial infarction associated with an ST-segment elevation on an ECG.

(o) “STEMI bypass” means to forego EMS transport of a patient to the nearest healthcare facility for a healthcare facility whose resources are more appropriate to the STEMI patient pursuant to direction given to pre-hospital emergency medical services by online medical direction or predetermined triage criteria as established by department-approved protocols.

(p) “STEMI care” means diagnostic evaluation, triage, acute intervention, emergency transport, and other acute care services for STEMI patients who potentially require emergent cardiac care, and may include education, risk reduction, and subacute STEMI management.

(q) “STEMI diversion” means the re-routing of a STEMI patient from a STEMI care center that has one or more of its essential resources currently functioning at maximum capacity, or is otherwise unavailable, to an alternate STEMI care center to serve the best interests of the STEMI patient.

(r) “STEMI receiving center” means a healthcare facility designated by the department as having met the criteria set forth by a department-approved nationally recognized professional accrediting and certifying organization as having the resources to provide PCI, treatment, and referral for emergency STEMI patients 24 hours per day, 365 days per year.

(s) “STEMI referral facility” means a healthcare facility designated by the department as having met the criteria set forth by a department-approved nationally recognized professional accrediting/certifying organization as having the resources to provide treatment and referral services for STEMI patients 24 hours per day, 365 days per year.

(t) “STEMI response” means an individual who has been identified as a potential STEMI patient and requires the utilization of the STEMI system of care.

(u) “TJC” means the Joint Commission.

(v) “Triage” means classifying patients according to the severity of their medical conditions.

(w) “Verification” means an evaluation process conducted by a national professional accrediting and certifying organization, or the department, to verify resources and improve STEMI care.

(2) A term defined in the code has the same meaning when used in these rules.

R 330.204 Powers and duties of department.

Rule 5. (1) The department, with the advice of the state EMS coordination committee and statewide STEMI care advisory subcommittee, shall do all the following:

(a) Implement an all-inclusive STEMI system throughout this state that allows for the care of all STEMI patients in an integrated system of healthcare in the pre-hospital and healthcare facility environments by personnel that are well trained and equipped to care for STEMI patients.

(b) Perform all the following:

(i) Establish regional systems of care authorities comprised of the MCAs in each region currently approved as regional trauma networks. The regional systems of care authority shall provide oversight for the regional trauma system, regional stroke system, and regional STEMI system.

(ii) Establish a statewide STEMI care quality improvement program using a statewide database.

(iii) Monitor the statewide STEMI system.

(iv) Ensure the coordination and performance of the regional STEMI systems.

(v) Set minimum standards for system performance and STEMI patient care.

(c) Develop a statewide process to establish regional STEMI systems comprised of the local MCAs, within a region, and in a manner that integrates the STEMI system into existing regional trauma, EMS, and medical control systems.

(d) Develop, implement, and maintain a state STEMI systems of care plan.

(e) Develop an in-state process for the verification of STEMI resources based on a department-approved nationally recognized professional certifying and accrediting organization’s current standards if resources are available.

(f) Develop a statewide process for the designation of STEMI centers and facilities.

(g) Develop an appeals process for healthcare facilities to contest their designation determination.

(h) Establish state STEMI care recommendations and approve regional STEMI protocols that are established and adopted by the local MCAs.

(i) Recognize the established regional STEMI systems.

(j) Provide system oversight of the STEMI care provided in each region in accordance with the following:

(i) Regional STEMI systems must be integrated into the established regional systems of care authority composed of the collaborating local MCAs in a region.

(ii) The regional systems of care authority shall apply to the department for approval and recognition as a regional STEMI system. The department, with the statewide STEMI care advisory subcommittee and state EMS coordination committee, shall review the regional STEMI system application for approval every 3 years.

(iii) The establishment of the regional STEMI system does not limit the transfer or transport of STEMI patients between regions of this state.

(k) Require STEMI triage protocol that is established and adopted by local MCA and regional STEMI systems and developed based on triage criteria prescribed by the department on the recommendation of the statewide STEMI care advisory subcommittee and state EMS coordination committee, and following the procedures established by the department under section 20919(3) of the code, MCL 333.20919.

(l) Develop a statewide STEMI verification process based on the verification standards of a nationally recognized professional accrediting and certifying organization for a predetermined period of time.

(m) Establish a mechanism for periodic re-designation of STEMI centers and facilities.

(n) Develop a comprehensive statewide STEMI data collection system.

(o) Formulate recommendations for the development of performance improvement plans by the regional STEMI systems, consistent with those in R 330.211.

(p) Develop a process for STEMI system performance improvement, including responsibility for monitoring compliance with standards, maintaining confidentiality, and providing periodic review of STEMI center and facility standards set forth by nationally recognized professional review organizations as specified in R 330.206 and R 330.211.

(q) Develop a process for the evaluation of STEMI system effectiveness based on standards as specified in R 330.211.

(r) Coordinate and integrate appropriate STEMI risk reduction strategies and programs.

(s) Support the state STEMI system of care and provide resources to carry out its responsibilities and functions.

(t) Support the training and education needs and resources of STEMI care personnel throughout this state.

(2) The department may deny, suspend, or revoke designation of a STEMI center or facility upon a finding including, but not limited to, any one of the following:

(a) Failure to comply with the rules or healthcare facilities rules and regulations, or both.

(b) Willful preparation or filing of false reports or records.

(c) Fraud or deceit in obtaining or maintaining designation status.

(d) Failure to meet designation criteria established in these rules.

(e) Unauthorized disclosure of medical or other confidential information.

(f) Alteration or inappropriate destruction of medical records.

(g) The healthcare facility no longer has the resources required to comply with the current level of designation conferred.

(h) The healthcare facility no longer cares for STEMI patients.

(i) A department-approved STEMI care verification body has determined that the STEMI center or facility no longer meets the STEMI center or facility verification criteria.

(j) Identified deficiencies are not remediated in the allowable time frame.

(3) The department shall provide notice of disciplinary action including, but not limited to, intent to deny, suspend, or revoke STEMI center or facility designation and provide for an appeals process in accordance with the code and sections 71 to 87 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.271 to 24.287.

(4) In developing a statewide STEMI system of care, the department shall consider all the following factors:

(a) Efficient implementation and operation.

(b) Decrease in morbidity and mortality.

(c) Cost effective implementation.

(d) Incorporation of national standards.

(e) Availability of funds for implementation.

R 330.205 Participation in system; department prohibitions; coordinated care.

Rule 5. A healthcare facility may participate in the system to the extent or level that it commits the resources necessary for the appropriate management of STEMI patients. The department shall not limit the number of healthcare facilities that seek to qualify for a given level of STEMI designation under this system to ensure that all STEMI patients are served by a system of coordinated care.

R 330.206 STEMI center or facility verification; designation and re-designation.

Rule 6. (1) A healthcare facility, which intends to hold itself out to provide STEMI care, shall obtain designation as a STEMI receiving center or STEMI referral facility. A healthcare facility shall not self-

designate itself, advertise, or otherwise describe itself as a STEMI receiving center or STEMI referral facility without obtaining and maintaining that designation from the department. Facilities that are not designated by the department will be noted as non-designated healthcare facilities.

(2) The department shall re-designate the STEMI care capabilities of each STEMI center or facility based on verification and designation requirements in effect when the re-designation takes place.

(3) To obtain designation as a STEMI center or facility, the healthcare facility shall apply for designation to the department. A healthcare facility has a right to an administrative hearing if denied a specific STEMI center or facility level designation.

(4) The department shall designate the existing STEMI care resources of all participating healthcare facilities in the state, based on the following categories:

(a) A STEMI receiving center shall provide evidence of current certification or accreditation by a department-approved nationally recognized professional certifying and accrediting organization that the healthcare facility has the resources required to be certified as meeting all the criteria for a certified STEMI receiving center equivalent to a TJC-AHA comprehensive STEMI center or TJC-AHA primary heart attack center, or an ACC chest pain center with PCI, or subsequent equivalent certification or accreditation as approved by the department with the advice of the STEMI advisory subcommittee, pursuant to R 330.204(1)(l), and all the following:

(i) Comply with data submission requirements in R 330.209 and R 330.210.

(ii) Participate in coordinating and implementing regional STEMI risk reduction plans.

(iii) Participate in the regional performance improvement process.

(iv) Provide staff assistance to the department for the state designation and verification process of STEMI referral centers when applicable pursuant to R 330.204(1)(l).

(b) A STEMI referral facility shall provide evidence of current certification or accreditation by a department-approved nationally recognized professional certifying and accrediting organization that the healthcare facility has the resources required to be certified as meeting all the criteria for a certified STEMI referral facility equivalent to a TJC-AHA acute heart attack ready center or ACC non-PCI chest pain center or subsequent equivalent certification or accreditation as approved by the department with the advice of the STEMI advisory subcommittee, pursuant to R 330.204(1)(l), and all the following:

(i) Comply with data submission requirements in R 330.209 and R 330.210.

(ii) Participate in coordinating and implementing regional STEMI risk reduction plans.

(iii) Participate in the regional performance improvement process.

(5) Healthcare facilities wishing to be re-designated as a STEMI receiving center shall independently obtain certification or accreditation by a department-approved nationally recognized professional certifying and accrediting organization at that level and comply with the standards that are incorporated by reference pursuant to R 330.204(1)(l), subrule (4)(a) of this rule, and all the following:

(a) Comply with data submission requirements in R 330.209 and R 330.210.

(b) Participate in coordinating and implementing regional STEMI risk reduction plans.

(c) Participate in the regional performance improvement process.

(d) Provide staff assistance to the department for the state designation and verification process of STEMI referral centers when applicable pursuant to R 330.204(1)(l).

(6) Healthcare facilities wishing to be re-designated as a STEMI referral facility shall independently obtain certification or accreditation by a department-approved nationally recognized professional certifying and accrediting organization at that level and comply with the standards that are incorporated by reference pursuant to R 330.204(1)(l) and R 330.206(4)(a) and all of the following:

(a) Comply with data submission requirements in R 330.209 and R 330.10.

(b) Participate in coordinating and implementing regional STEMI risk reduction plans.

(c) Participate in the regional performance improvement process.

(7) A hospital may apply to the department for one-time temporary, time-limited status as a provisional STEMI center or facility by submitting an application that includes evidence that the hospital meets the department-approved criteria for a provisional STEMI center or facility at the level that it is applying for. A hospital applying for provisional STEMI center or facility status requires the recommendation of the regional STEMI network system and notification to the statewide STEMI advisory subcommittee.

(8) The department may, with the advice and recommendations of the statewide STEMI care advisory subcommittee and state EMS coordination committee, modify the criteria or establish additional levels of STEMI care resources as appropriate to maintain an effective state STEMI system of care and protect the public welfare. The department shall not establish criteria for the purpose of limiting the number of healthcare facilities that qualify for a particular STEMI center or facility level of designation under these rules.

R 330.207 Triage and transport.

Rule 7. (1) The department, with the advice and recommendations of the statewide STEMI care advisory subcommittee and state EMS coordination committee, shall develop recommendations, based on standards pursuant to R 330.204, R 330.212, R 330.213, and R 330.214 for protocols that are established and adopted by local MCAs for the triage, transport, and inter-facility STEMI transfer of STEMI patients to the appropriate STEMI centers and facilities.

(2) The standards under R 330.204, R 330.212, R 330.213, and R 330.214 for the triage, transport, and the inter-facility STEMI transfer of STEMI patients provide recommended minimum standards of care for protocols that are established and adopted by the local MCAs and that must be utilized in the care during transport of STEMI patients. On an annual basis, or as needed, the department shall review and update these recommended minimum standards with the advice and recommendations of the statewide STEMI care advisory subcommittee and state EMS coordination committee.

(3) The department, with the advice and recommendations of the statewide STEMI care advisory subcommittee and state EMS coordination committee, shall create regional STEMI systems that meet all of the following criteria and are responsible for developing triage and transport procedures within that geographical area.

(a) Each regional STEMI system must be integrated into the regional systems of care authority created within the existing trauma regions pursuant to R 325.132.

(b) Each regional STEMI system may create its own triage and transport criteria and protocols, destination criteria and protocols, and inter-facility STEMI transfer criteria and protocols, which are established and adopted by the local MCAs, provided they meet or exceed the standards that are incorporated by reference in these rules pursuant to R 330.212, R 330.213, and R 330.214, and are reviewed by the quality assurance task force and approved by the department.

This may include coordination of triage and transport criteria and protocols, which are established and adopted by local medical control, across geographic regions if in the best interest of providing optimal STEMI care to patients.

(c) STEMI care still must be provided to patients at healthcare facilities as necessary pursuant to 42 USC 1395dd and other applicable laws.

R 330.208 STEMI care regions.

Rule 8. (1) The department, with the advice and recommendations of the statewide STEMI care advisory subcommittee and state EMS coordination committee, shall support the establishment and operational activities of the STEMI regions through the commitment of resources.

(2) Each region shall establish a regional STEMI system of care as prescribed and defined by R 330.201 to R 330.211.

(3) All MCAs within an area or region shall participate in the regional STEMI system of care, and life support agencies that care for STEMI patients shall be offered membership on the regional STEMI care advisory council. Regional STEMI care advisory councils must be operated in a manner that maximizes inclusion of their constituents.

(a) Not less than quarterly, a regional STEMI system of care shall submit evidence of ongoing activity, such as meeting notices and minutes, to the department. Annually, the regional STEMI care advisory council shall file a report with the department that describes ongoing progress toward regional STEMI care plan implementation and includes evidence that members of the regional STEMI care advisory council are currently involved in STEMI care.

(b) The regional STEMI system of care shall develop a regional STEMI care plan. The plan is subject to review by the statewide STEMI care advisory subcommittee and state EMS coordination committee and approval by the department.

(c) The department shall review the plan to ensure that it contains at a minimum, all of the following:

(i) All counties within the regional STEMI system have been included unless a specific county, or portion thereof, has been aligned within an adjacent STEMI system, and all healthcare entities, MCAs, and life support agencies have had an opportunity to participate in the planning process.

(ii) All of the following components have been addressed:

(A) STEMI risk reduction.

(B) Communications.

(C) Regional performance improvement.

(D) STEMI education.

(E) Infrastructure.

(F) Continuum of care.

(4) Each regional STEMI system of care shall appoint a RPSRO as defined in R 330.203(f).

(5) Each regional STEMI care advisory council shall develop performance improvement plans that are based on standards under R 330.211. The performance improvement plan shall be reviewed annually by the statewide STEMI care advisory subcommittee and state EMS coordination committee for recommendations to the department.

(6) Recommendations developed and proposed for implementation by a regional STEMI care advisory council must meet or exceed those that are established by the department with the advice and recommendations of the statewide STEMI care advisory subcommittee and state EMS coordination committee, as based on standards that are incorporated by reference in these rules, pursuant to R 330.204(1)(o) and R 325.204(1)(p).

(7) The department shall recognize the regional STEMI system once it approves a completed regional work plan. The regional STEMI system approval process must consist of the following phases:

(a) The first phase is the application phase, which begins with the submission to the department of a completed regional plan for the regional STEMI system.

(b) The second phase is the review phase, which begins after the receipt of the regional plan and ends with a department recommendation to approve the regional STEMI system.

(c) The third phase is the final phase, with the department making a final decision regarding the regional STEMI system plan. This phase also includes an appeal procedure for the denial of an approval of application in accordance with the department's administrative hearings requirements.

(8) If the application phase results in a recommendation to the department for approval by the statewide STEMI care advisory subcommittee and the state EMS coordination committee, and the department approves, then the department shall notify the regional STEMI system applicant of recommended action within 90 days after receipt by the department.

(9) Upon approval, a regional STEMI care advisory council shall implement the plan to include the following:

- (a) Education of all entities about the plan components.
- (b) On-going review of resources, process, and outcome data.
- (10) The regional STEMI system approval is in effect for 3 years.

R 330.209 Data collection.

Rule 9. (1) The department, with the advice and recommendations of the statewide STEMI care advisory subcommittee and state EMS coordination committee, shall develop and maintain a statewide STEMI registry. The registry must contain all the following:

(a) Standard STEMI data elements and definitions as a minimum set of elements for data collection, with the addition of elements as recommended by the statewide STEMI care advisory subcommittee and approved by the department, including subsequent amendments and editions.

(b) A plan for data including the following:

(i) Notifying partners of data dictionary changes and new iterations annually.

(ii) Defining the data validation process for designated STEMI center and facility data submissions to the statewide STEMI registry.

(iii) Participating in state data collaboration activities.

(iv) Establishing and maintain processes for the following:

(A) Submitting data related to STEMI responses to the statewide STEMI registry according to the data submission timelines.

(B) Monitoring national standards, regional issues, STEMI centers and facilities, and RPSROs to determine the need for additional data metrics needed for system function.

(C) For those STEMI responses that met the inclusion criteria identified for data submission, submitting the following data elements to the department:

(1) Standard STEMI data elements approved by the department with the advice and recommendations of the statewide STEMI care advisory subcommittee.

(2) Subsequent amendments or additions recommended by the statewide STEMI care advisory subcommittee.

(v) Developing annual reports using regional and state data defined by the statewide STEMI care advisory subcommittee, which assesses the state STEMI system of care and regional STEMI systems.

(vi) Evaluating and importing additional data from existing databases as needed.

(vii) Supporting and evaluating probabilistic and deterministic data linkages.

(2) The department shall support the data collection and analysis process.

(3) Both of the following apply to STEMI center or facility participation in data submission:

(a) All designated STEMI centers or facilities shall participate in data submission.

(b) Participation as appropriate in the RPSRO, as provided in sections 1 to 3 of 1967 PA 270, MCL 331.531 to 331.533.

R 330.210 Statewide STEMI registry.

Rule 10. (1) The purpose of the STEMI registry is to collect and analyze system data to evaluate the delivery of STEMI care, develop STEMI risk reduction strategies, and provide resources for STEMI research and education.

(2) The department shall coordinate data collected by the STEMI centers or facilities and emergency medical service providers. The department shall develop and publish a data submission manual that specifies all of the following:

(a) Data elements and definitions, including the standards under R 330.209(1)(a), and the following:

(i) Definitions of what constitutes a reportable STEMI case.

(ii) Method of submitting data to the department.

(iii) Timetables for data submission.

(iv) Data submission format.

(v) Protections for individual record confidentiality.

(b) Notification to STEMI centers and facilities of the required registry data sets and to update the STEMI centers and facilities and providers, as necessary, when the registry data set changes.

(c) Specification of both the process and timelines for STEMI center and facility submission of data to the department.

(3) All healthcare facilities shall submit to the department STEMI data determined by the department to be required for the department's operation of the statewide STEMI registry. The department shall prescribe and provide both of the following:

(a) Standard reporting mechanisms to be used by all healthcare facilities.

(b) The form and content of records to be maintained and the information to be reported to the department.

(4) The department and regional STEMI care advisory councils shall use the STEMI registry data to identify and evaluate regional STEMI care and to prepare reports and analyses as requested by regional STEMI advisory councils, the statewide STEMI care advisory subcommittee, or the state EMS coordination committee.

R 330.211 Regional performance improvement.

Rule 11. (1) Each regional STEMI system shall develop and implement a regional STEMI care performance improvement program. This program must include the standards that are incorporated by reference pursuant to R 330.204(1)(d), R 3330.204(1)(j), and R 330.208(5) and include the development of an annual process for reporting to the department a review of all region-wide policies, procedures, and protocols.

(2) Each regional STEMI system is responsible for monitoring, assessing, and evaluating the system to improve STEMI care, reduce death and disability, surveillance of STEMI incidence, and implementation of STEMI risk reduction initiatives.

(3) Each regional STEMI system shall appoint an RPSRO.

(4) Deviations from protocols established and adopted by local MCAs and approved by the department for STEMI patients must be addressed through a documented STEMI care performance improvement process established by a PSRO.

(5) Each regional STEMI care advisory council shall observe the confidentiality provisions of 45 CFR part 164, the health insurance portability and accountability act of 1996, Public Law 104-191, data confidentiality provisions under the code and any confidentiality provisions established by the RPSRO.

(6) The performance improvement program must include the standards under R 330.204(1)(p), R 330.208(5), and include all the following:

(a) Components of the regional STEMI care plan.

(b) Triage criteria and effectiveness.

(c) STEMI diversion and bypass.

(d) Data driven provision of care defined by available data metrics supported by the region, the statewide STEMI care advisory subcommittee, and the department.

(7) Each regional STEMI system is responsible for the ongoing evaluation of the system. Accordingly, each region shall develop a procedure for receiving information from the regional STEMI system constituents on the implementation of various components of that region's STEMI system, and include the standards under R 330.204(1)(d) and R 325.208(5), and include all of the following:

(a) Components of the regional STEMI care plan.

(b) Triage criteria and effectiveness.

(c) STEMI diversion and bypass.

(d) Data analytics as defined by the department with the advice of the statewide STEMI care advisory subcommittee.

(8) Based upon information received by the region in the evaluation process, the region shall annually prepare a report containing results of the evaluation and a performance improvement plan. The report must be made available to all regional STEMI system constituents.

(9) The region shall ensure that all STEMI centers and facilities participate in this annual evaluation process and encourage all other hospitals that treat STEMI patients to do likewise. The region shall not release specific information related to an individual patient or practitioner. Aggregate system performance information and evaluation must be available for review.

R 330.212 Destination protocols.

Rule 12. Local MCAs shall develop and submit STEMI patient destination protocols to the bureau of emergency preparedness, EMS, and systems of care for review by the statewide quality assurance task force appointed under section 20916 of the code, MCL 333.20916. After review and approval by the department, the MCAs must formally adopt and implement the protocol. The following factors must be used in evaluating destination protocols:

(a) STEMI patients must not be transported to a healthcare facility that does not participate in the state STEMI system of care unless there is no other reasonable alternative available.

(b) STEMI patients must be transported to the closest appropriate STEMI center or facility as identified in regional and local MCA protocols. In the event of a STEMI bypass, STEMI care must be provided to patients as necessary pursuant to 42 USC 1395dd or other applicable laws.

(c) If a STEMI receiving center is not within a reasonable distance from the incident scene, the STEMI patient must be transported to the closest appropriate STEMI referral facility.

(d) Each regional STEMI system shall make appropriate determinations for STEMI patient destination based on what is best for the patient.

(e) In areas of the state close to state borders, the most appropriate STEMI center or facility may be out of the state. If possible, transport STEMI patients within state borders. Local protocols must address this issue.

R 330.213 STEMI patient inter-facility STEMI transfer protocols.

Rule 13 (1) All designated STEMI centers and facilities shall maintain inter-facility STEMI transfer protocols for patients that are consistent with regional and local MCA protocols and that are compliant with 42 USC 1395dd.

(2) All STEMI centers and facilities shall develop and implement formal policies based on published guidelines for the transfer of STEMI patients who need a higher level of care.

(3) STEMI patients must be transported to an appropriate hospital designated as a STEMI receiving center or STEMI referral facility..

R 330.214 Criteria for transfer protocols; criteria.

Rule 14. Designated STEMI centers and facilities shall contact the department for current STEMI patient transfer guidelines.

NOTICE OF PUBLIC HEARING

Department of Health and Human Services
Public Health Administration
Administrative Rules for Statewide ST-Elevation Myocardial Infarction (STEMI) System
Rule Set 2022-61 HS

NOTICE OF PUBLIC HEARING
Tuesday, August 22, 2023
1:00 PM

JAR Conference Room
1001 Terminal Road, Lansing, MI 48909

The Department of Health and Human Services will hold a public hearing to receive public comments on proposed changes to the Statewide ST-Elevation Myocardial Infarction (STEMI) System rule set.

The general purpose of the Statewide Stroke System rules describe the process of stroke program verification and designation; triage and transport and transfer; system evaluation; data collection; stroke registry establishment; and stroke performance improvement. The requested rules will provide structure, clarity, and detail to operationalize the existing boilerplate language that briefly outlines the system. They represent a stakeholder supported approach to system development that is practical, needed and designed to optimize quality care and positive outcomes for Michigan residents who have had a stroke.

By authority conferred on the director of the department of health and human services by sections 2233, 9227, and 20910 of the public health code, 1978 PA 368, MCL 333.2233, 333.9227 and 333.20910, and section 1186 of article 6 of 2022 PA 166.

The proposed rules will take effect immediately after filing with the Secretary of State. The proposed rules are published on the State of Michigan's website at www.michigan.gov/ARD and in the 8/15/2023 issue of the Michigan Register. Copies of these proposed rules may also be obtained by mail or electronic mail at the following email address: MDHHS-Adminrules@michigan.gov.

Comments on these proposed rules may be made at the hearing, by mail, or by electronic mail at the following addresses until 8/25/2023 at 05:00PM.

Mary Brennan / Eileen Worden
1001 Terminal Road, Lansing, MI 48909
MDHHS-Adminrules@michigan.gov

The public hearing will be conducted in compliance with the 1990 Americans with Disabilities Act. If the hearing is held at a physical location, the building will be accessible with handicap parking available. Anyone needing assistance to take part in the hearing due to disability may call 517-335-4286 to make arrangements.

PROPOSED ADMINISTRATIVE RULES

DEPARTMENT OF HEALTH AND HUMAN SERVICES

BUREAU OF EMERGENCY PREPAREDNESS, EMS, AND SYSTEMS OF CARE
EMS AND SYSTEMS OF CARE SECTION

STATEWIDE STROKE SYSTEM

Filed with the secretary of state on

These rules become effective immediately after filing with the secretary of state unless adopted under section 33, 44, or 45a(9) 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 health and human services by sections 2233, 9227, and 20910 of the public health code, 1978 PA 368, MCL 333.2233, 333.9227 and 333.20910, and section 1186 of article 6 of 2022 PA 166)

R 330.251, R 330.252, R 330.253, R 330.254, R 330.255, R 330.256, R 330.257, R 330.258, R 330.259, R 330.260, R 330.261, R 330.262, and R 330.263 are added to the Michigan Administrative Code, as follows:

PART 1. GENERAL PROVISIONS

R 330.251 Definitions; A to D.

Rule 1. As used in this part:

(a) “Administrative hearing” means a hearing conducted pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(b) “CMS” or “Centers for Medicare and Medicaid Services” means the program that is part of the United States Department of Health and Human Services.

(c) “Certification” means a process that a healthcare facility undergoes to demonstrate it has met predetermined standards of a department-approved, CMS-recognized professional certifying organization.

(d) “Code” means the public health code, 1978 PA 368, MCL 333.1101 to 333.25211.

(e) “Department” means the department of health and human services.

(f) “Designation” means a status that is conferred by the department on stroke centers that are verified by a CMS-recognized professional certifying organization.

(g) “Disciplinary action” means an action taken by the department against a healthcare facility or a regional stroke network for failure to comply with the code, rules, or protocols approved by the department.

R 330.252 Definitions; E to O.

Rule 2. As used in this part:

(a) “EMS” means emergency medical services.

(b) “Healthcare facility” means a facility licensed under section 20141 or 21511 of the code, MCL 333.20141 and 333.21511, which operates a service for treating emergency patients, 24 hours per day, 7 days per week.

(c) “Hold itself out” means the agency, healthcare facility, or stroke care facility that advertises, announces, or charges specifically for providing stroke care.

(d) “Inter-facility transfer of stroke patient” means identifying the group of stroke patients that require additional stroke resources with the goal of providing optimal care to these patients by the timely transfer to an appropriate level of care to optimize the outcome.

(e) “MCA” or “medical control authority” means an organization designated by the department to provide medical control.

(f) “MCA area” means the geographic area comprised of a county, group of counties, or parts of an individual county as designated by the department.

(g) “Medical control” means the supervision and coordination of EMS through a MCA, as prescribed, adopted, and enforced through department-approved protocols, within an emergency medical system.

(h) “Non-designated healthcare facility” means a healthcare facility that has chosen not to be a part of this state's stroke system of care or a healthcare facility that the department has not designated as a stroke center.

R 330.253 Definitions; P to V.

Rule 3. (1) As used in this part:

(a) “Protocol” means a patient care standard, standing order, policy, or procedure for providing EMS that is established by an MCA and approved by the department under section 20919 of the code, MCL 333.20919.

(b) “Provisional” means a one-time, temporary-time-limited status conferred on a facility by the department that most closely matches the current level of care based on the published criteria for certification for which it is applying.

(c) “PSRO” or “professional standards review organization” means a committee established by a life support agency or MCA for the purpose of improving the quality of medical care, as provided in section 1 of 1967 PA, 270, MCL 331.531.

(d) “Quality improvement program” means actions taken by a life support agency, MCA, stroke center, or jointly between a life support agency, MCA, or stroke center with a goal of continuous improvement of medical care in accordance with the code. Actions must take place under a PRSO, as provided in sections 1 to 3 of 1967 PA 270, MCL 331.531 to 331.533.

(e) “RPSRO” or “regional PRSO” means a committee established by the regional stroke system for the purpose of improving the quality of stroke care within a recognized stroke region as provided in sections 1 to 3 of 1967 PA 270, MCL 331.531 to 331.533.

(f) “Regional stroke plan” means a written plan prepared by a regional stroke advisory council, and approved by the regional stroke system, that is based on minimum criteria established by the department.

(g) “RSAC” or “regional stroke advisory council” means a committee established by a regional stroke system whose function is to provide leadership and direction in matters related to stroke system development in their region, and to monitor the performance of the stroke agencies and healthcare facilities within the region, including, but not limited to, the review of stroke deaths and preventable complications, and it is comprised of the following:

- (i) MCA personnel.
- (ii) EMS personnel.
- (iii) Life support agency representatives.
- (iv) Healthcare facility representatives.

- (v) Physicians.
 - (vi) Nurses.
 - (vii) Consumers.
 - (h) “Regional stroke system” means an organized group comprised of the local MCA within a region, that integrates into existing regional trauma network or regional systems of care authority and is responsible for appointing a regional stroke advisory council and creating a regional stroke plan.
 - (i) “Regional systems of care authority” means an organization recognized by the department, comprised of approved MCAs within a region, also approved as the Regional Trauma Network, which provides clinical oversight for the regional trauma system, regional stroke system and regional STEMI system within the region.
 - (j) “Statewide stroke care advisory subcommittee” means a stroke care advisory subcommittee that acts as the department’s subject matter experts for the clinical and operational components of stroke care. As the system matures and signals readiness to capitalize on efficiencies, the system will merge into the statewide stroke care advisory subcommittee and the statewide STEMI care advisory subcommittee into the statewide cardiovascular care advisory subcommittee.
 - (k) “Statewide stroke registry” means a system for collecting data that the department manages, analyzes, and disseminates results.
 - (l) “Statewide stroke system of care” means a comprehensive and integrated arrangement of emergency services personnel, stroke centers, equipment, services, communications, MCAs, and organizations necessary to provide stroke care to all patients within a particular geographic region.
 - (m) “STEMI” means an ST-segment elevation myocardial infarction defined by symptoms of myocardial infarction associated with an ST-segment elevation on an ECG.
 - (n) “Stroke” means a cerebrovascular disease that causes a sudden interference in the blood supply to the brain causing neuronal injury with neurological symptoms. This occurs when a blood vessel in the brain is blocked by a clot or a vessel rupture.
 - (o) “Stroke bypass” means to forego EMS transport of a patient to the nearest healthcare facility for facility whose resources are more appropriate to the stroke patient, pursuant to direction given to pre-hospital EMS by online medical direction or predetermined triage criteria, as established by department-approved protocols.
 - (p) “Stroke care” means diagnostic evaluation, triage, acute intervention, emergency transport and other acute care services for stroke patients who potentially require emergent medical or surgical intervention or treatment, and may include education, risk reduction, and subacute stroke management.
 - (q) “Stroke center” means a healthcare facility designated by the department as having met the criteria set forth by a department-approved, CMS-recognized professional certifying organization as being any of the following:
 - (i) Level I or comprehensive stroke center.
 - (ii) Level II or thrombectomy capable stroke center.
 - (iii) Level III or primary stroke center.
 - (iv) Level IV or acute stroke ready center.
 - (r) “Stroke diversion” means the re-routing of a stroke patient from a stroke care facility that has 1 or more of its essential resources currently functioning at maximum capacity, or is otherwise unavailable, to an alternate stroke care facility to serve the best interests of the stroke patient.
 - (s) “Stroke response” means an individual who has been identified as a potential stroke patient and requires the utilization of the stroke care system.
 - (t) “Triage” means classifying patients according to the severity of their medical conditions.
 - (u) “Verification” means an evaluation process conducted by a national professional certifying organization to verify resources and improve stroke care.
- (2) A term defined in the code has the same meaning when used in these rules.

R 330.254 Powers and duties of department.

Rule 5. (1) The department, with the advice of the state EMS coordination committee and statewide stroke care advisory subcommittee, shall do all the following:

(a) Implement an all-inclusive stroke system throughout this state that allows for the care of all stroke patients in an integrated system of healthcare in the pre-hospital and healthcare facility environments by personnel that are well trained and equipped to care for stroke patients.

(b) Perform all of following:

(i) Establish regional systems of care authorities comprised of the MCAs in each region currently approved as regional trauma networks. The regional systems of care authority shall provide oversight for the regional trauma system, regional stroke system and regional STEMI system within the region.

(ii) Establish a statewide stroke care quality improvement program using a statewide database.

(iii) Monitor the statewide stroke system.

(iv) Ensure the coordination and performance of the regional stroke systems.

(v) Set minimum standards for system performance and stroke patient care.

(c) Develop a statewide process to establish regional stroke systems comprised of the local MCAs within a region in a manner that integrates the stroke system into existing regional trauma, EMS, and medical control systems.

(d) Develop, implement, and maintain a state stroke systems of care plan.

(e) Develop a statewide process for the verification of stroke resources based on a stroke center's current certification by a department-approved, CMS-recognized professional certifying organization.

(f) Develop a statewide process for the designation of stroke centers.

(g) Develop an appeals process for healthcare facilities to contest their designation determination.

(h) Establish state stroke care recommendations and approve regional stroke protocols that are established and adopted by the local MCA.

(i) Recognize the regional stroke systems providing system oversight of the stroke care provided in each region of this state.

(j) Regional stroke systems must be integrated into the established regional systems of care authority composed of the collaborating local MCAs in a region.

(k) The regional systems of care authority shall apply to the department for approval and recognition as a regional stroke system. The department, with the statewide stroke care advisory subcommittee and state EMS coordination committee, shall review the regional stroke system application for approval every 3 years.

(l) The establishment of the regional STEMI system does not limit the transfer or transport of stroke patients between regions of the state.

(m) Require stroke triage protocols, which are established and adopted by local MCA and regional stroke systems and developed based on triage criteria prescribed by the department on the recommendation of the statewide stroke care advisory subcommittee and state EMS coordination committee, and following the procedures established by the department under section 20919(3) of the code, MCL 333.20919.

(n) Develop a statewide stroke verification process based on the verification standards of a CMS recognized professional certifying organization for a predetermined period of time.

(o) Establish a mechanism for periodic re-designation of stroke centers.

(p) Develop a comprehensive statewide stroke data collection system.

(q) Formulate recommendations for the development of performance improvement plans by the regional stroke systems, consistent with those in R 330.260.

(r) Develop a process for stroke system performance improvement, including responsibility for monitoring compliance with standards, maintaining confidentiality, and providing periodic review of stroke center standards set forth by nationally recognized professional review organizations. The following standards are incorporated by reference in these rules, as specified in R 330.259, and R 330.260.

(t) Develop a process for the evaluation of stroke system effectiveness based on standards under R 330.260.

(u) Coordinate and integrate appropriate stroke risk reduction strategies and programs.

(v) Support the state stroke system of care and provide resources to carry out its responsibilities and functions.

(w) Support the training and education needs and resources of stroke care personnel throughout this state.

(2) The department may deny, suspend, or revoke designation of a stroke center on a finding including, but not limited to, any 1 of the following:

(a) Failure to comply with the rules or healthcare facilities rules and regulations, or both.

(b) Willful preparation or filing of false reports or records.

(c) Fraud or deceit in obtaining or maintaining designation status.

(d) Failure to meet designation criteria established in these rules.

(e) Unauthorized disclosure of medical or other confidential information.

(f) Alteration or inappropriate destruction of medical records.

(g) The healthcare facility no longer has the resources required to comply with the current level of designation conferred.

(h) The healthcare facility no longer cares for stroke patients.

(i) A department-approved stroke care verification body has determined that the stroke center no longer meets their stroke center verification criteria.

(j) Identified deficiencies are not remediated in the allowable timeframe.

(3) The department shall provide a notice of disciplinary action including, but not limited to an intent to deny, suspend, or revoke a stroke center designation and provide for an appeals process under sections 71 to 87 of the administrative procedure act of 1969, 1969 PA 306, MCL 24271 to 24.287.

(4) In developing a statewide stroke care system, the department shall consider all the following factors:

(a) Efficient implementation and operation.

(b) Decrease in morbidity and mortality.

(c) Cost effective implementation.

(d) Incorporation of national standards.

(e) Availability of money for implementation.

R 330.255 Stroke center verification; designation and re-designation.

Rule 6. (1) A healthcare facility that intends to hold itself out to provide stroke care shall not self-designate itself as a stroke center, advertise, or otherwise describe itself as a “designated stroke center” without obtaining and maintaining a designation from the department. Facilities that are not designated by the department will be noted as a non-designated healthcare facility.

(2) The department shall re-designate the stroke care capabilities of each stroke center based on verification and designation requirements in effect when the re-designation takes place.

(3) To obtain designation as a stroke center, the healthcare facility shall apply to the department. A healthcare facility has a right to an administrative hearing if denied a specific stroke center level designation.

(4) The department shall designate the existing stroke care resources of all participating healthcare facilities in this state, based on the following categories:

(a) A level I or comprehensive stroke center shall provide evidence of current certification by a department-approved, CMS-recognized professional certifying organization that the healthcare facility has the resources required to be certified as meeting all the criteria, or subsequent equivalent certification as approved by the department, with the advice of the stroke advisory subcommittee, for an accredited comprehensive stroke center under R 330.254(1)(e). All the following apply to a level I stroke center:

(i) Comply with data submission requirements in R 330.258 and R 330.259.

(ii) Participate in coordinating and implementing regional stroke risk reduction plans.

(iii) Participate in the regional performance improvement process.

(iv) Provide staff assistance to the department for the designation and verification process of stroke centers when applicable under R 330.254(1)(e).

(b) A level II or thrombectomy capable stroke center shall provide evidence of current certification by a department-approved, CMS-recognized professional certifying organization that the healthcare facility has the resources required to be certified as meeting all the criteria, or subsequent equivalent certification as approved by the department with the advice of the stroke advisory subcommittee, for a certified thrombectomy capable stroke center under R 330.254 (1)(e), and all the following:

(i) Comply with data submission requirements in R 330.258 and R 330.259.

(ii) Participate in coordinating and implementing regional stroke risk reduction plans.

(iii) Participate in the regional performance improvement process.

(iv) Provide staff assistance to the department for the designation and verification process of stroke centers when applicable under R 330.254(1)(e).

(c) A level III or primary stroke center shall provide current certification by a department- approved, CMS-recognized professional certifying organization that the healthcare facility has the resources required to be certified as meeting all the criteria, or subsequent equivalent certification as approved by the department with the advice of the stroke advisory subcommittee, for a certified primary stroke center under R 330.254(1)(e), and all the following:

(i) Comply with data submission requirements in R 330.258 and R 330.259.

(ii) Participate in coordinating and implementing regional stroke risk reduction plans.

(iii) Participate in the regional performance improvement process.

(d) A level IV or acute stroke ready hospital stroke center shall provide current certification by a department-approved, CMS-recognized professional certifying organization that the healthcare facility has the resources required to be certified as meeting all the criteria, or subsequent equivalent certification as approved by the department with the advice of stroke advisory subcommittee, for a certified acute stroke ready hospital under R 330.254(1)(e). All the following apply to the level IV stroke center:

(i) Comply with data submission requirements in R 330.258 and R 330.259.

(ii) Participate in coordinating and implementing regional stroke risk reduction plans.

(iii) Participate in the regional performance improvement process.

(5) Healthcare facilities wishing to be re-designated as a level I or comprehensive stroke center shall independently obtain certification by a department-approved, CMS-recognized professional certifying organization at that level, and comply with the standards under R 330.254(1)(e), and all the following:

(a) Comply with data submission requirements in R 330.258 and R 330.259.

(b) Participate in coordinating and implementing regional stroke risk reduction plans.

(c) Participate in the regional performance improvement process.

(d) Provide staff assistance to the department for the designation and verification process of stroke centers when applicable under R 330.254(1)(e).

(6) Healthcare facilities wishing to be re-designated as a level II or thrombectomy capable stroke center shall independently obtain certification by a department-approved, CMS- recognized professional certifying organization at that level, and comply with the standards under R 330.254(1)(e) and all of the following:

- (a) Comply with data submission requirements in R 330.258 and R 330.259.
- (b) Participate in coordinating and implementing regional stroke risk reduction plans.
- (c) Participate in the regional performance improvement process.
- (d) Provide staff assistance to the department for the designation and verification process of stroke centers when applicable under R 330.254(1)(e).

(7) Healthcare facilities wishing to be re-designated as a level III or primary stroke center shall independently obtain certification by a department-approved, CMS-recognized professional certifying organization at that level and comply with the standards under R 330.254(1)(e), and the following:

- (a) Comply with data submission requirements in R 330.258 and R 330.259.
 - (b) Participate in coordinating and implementing regional stroke risk reduction plans.
 - (c) Participate in the regional performance improvement process.
- (8) Healthcare facilities wishing to be re-designated as a level IV or acute stroke ready stroke center shall independently obtain certification by a department-approved CMS recognized professional certifying organization at that level and comply with the under R 330.254 (1)(e), and the following:

- (a) Comply with data submission requirements in R 330.258 and R 330.259.
 - (b) Participate in coordinating and implementing regional stroke risk reduction plans.
 - (c) Participate in the regional performance improvement process.
- (9) A hospital may apply to the department for a one-time, temporary-time limited status as a provisional stroke center by submitting an application that includes evidence that the hospital meets the department-approved criteria for a provisional stroke center at the level that the hospital is applying. A hospital applying for provisional stroke center status requires the recommendation of the stroke network system and notification to the statewide stroke advisory committee.

(10) The department may, with the advice and recommendations of the statewide stroke care advisory committee and state EMS coordination committee, modify the criteria or establish additional levels of stroke care resources as appropriate to maintain an effective state stroke system of care and protect the public welfare. The department shall not establish criteria for the purpose of limiting the number of healthcare facilities that qualify for a particular stroke center level of designation under these rules.

R 330.256 Triage and transport.

Rule 7. (1) The department, with the advice and recommendations of the statewide stroke care advisory subcommittee and state EMS coordinating committee, shall develop recommendations, based on standards in these rules, R 330.254, R 330.261, R 330.262, and R 330.263 for protocols that are established and adopted by local MCAs for the triage, transport, and inter-facility transfer of stroke patients to the appropriate stroke centers.

(2) The standards under R 330.254, R 330.261, R 330.262, and R 330.263 for the triage, transport, and the inter-facility transfer of stroke patients must provide recommended minimum standards of care for protocols that are established and adopted by local MCAs and that must be utilized in the care during transport of stroke patients. On an annual basis, or as needed, the department shall review and update these recommended minimum standards with the advice and recommendations of the statewide stroke care advisory subcommittee and the state EMS coordination committee.

(3) The department, with the advice and recommendations of the statewide stroke care advisory subcommittee and state EMS coordinating committee, shall create regional stroke systems that are responsible for developing triage and transport procedures within that geographical area.

(a) Each regional stroke system must be integrated into the regional systems of care authority created within the existing trauma regions under R 325.132.

(b) Each regional stroke system may create its own triage and transport criteria and protocols, destination criteria and protocols, and inter-facility transfer criteria and protocols, established and adopted by local MCAs, provided they meet or exceed the standards that are incorporated under R 330.261, R 330.262, and R 330.263, and are reviewed by the quality assurance task force and approved by the department. This may include coordination of triage and transport criteria and protocols, established and adopted by local MCAs, across geographic regions, if in the best interest of providing optimal stroke care to patients.

R 330.257 Stroke care regions.

Rule 8. (1) The department, with the advice and recommendations of the statewide stroke care advisory subcommittee and state EMS coordination committee, shall support the establishment and operational activities of the regional stroke system of care through the commitment of resources.

(2) Each region shall establish a regional stroke system of care as prescribed by this part.

(3) All MCA areas or regions shall participate in the regional stroke care system, and life support agencies that care for stroke patients shall be offered membership on the regional stroke care advisory council. Regional stroke care advisory councils must be operated in a manner that maximizes inclusion of their constituents.

(a) Quarterly, a regional stroke system of care shall submit evidence of ongoing activity, such as meeting notices and minutes, to the department. Annually, the regional stroke system of care shall file a report with the department that describes ongoing progress toward regional stroke care plan implementation and includes evidence that members of the regional stroke care advisory council are currently involved in stroke care.

(b) The regional stroke system of care shall develop a regional stroke care plan. The plan is subject to review by the statewide stroke care advisory committee and the state EMS coordination committee for recommendation and approval by the department.

(c) The department shall review the plan to ensure that it contains at a minimum, all the following:

(i) All counties within the regional stroke system are included unless a specific county, or portion thereof, has been aligned within an adjacent system, and all healthcare entities, MCAs, and life support agencies have been given an opportunity to participate in the planning process.

(ii) All the following components are addressed:

(A) Stroke risk reduction.

(B) Communications.

(C) Regional performance improvement.

(D) Stroke education.

(E) Infrastructure.

(F) Continuum of care.

(4) Each regional stroke system of care shall appoint a RPSRO.

(5) Each regional stroke care advisory council shall develop performance improvement plans that are based on standards under R 330.260. The statewide stroke care advisory subcommittee and state EMS coordination committee shall annually review the performance improvement plan and make recommendations to the department.

(6) Recommendations developed and proposed for implementation by a regional stroke care advisory council must meet or exceed those that are established by the department, with the advice and recommendations of the statewide stroke care advisory subcommittee and state EMS coordination committee, as based on standards under R 330.254(1)(n) and R 330.254(1)(o).

(7) The department shall recognize the regional stroke system once it approves a completed regional stroke plan. The regional stroke system approval process must consist of the following phases:

(a) The first phase is the application phase, which begins with the submission to the department of a completed regional plan for the regional stroke system.

(b) The second phase is the review phase, which begins after the receipt of the regional plan and ends with a department recommendation to approve the regional stroke system.

(c) The third phase is the final phase, with the department making a final decision regarding the regional stroke system plan. This phase also includes an appeal procedure for the denial of an approval of application in accordance with the department's administrative hearings requirements.

(8) If the application phase results in a recommendation to the department for approval by the statewide stroke care advisory subcommittee and the state EMS coordination committee, and the department approves, the department shall notify the regional stroke system applicant of recommended action within 90 days after receipt by the department.

(9) After approval, a regional stroke care advisory council shall implement the plan to include both the following:

(a) Education of all entities about the plan components.

(b) On-going review of resources, process, and outcome data.

(10) The regional stroke system approval is effective for 3 years.

R 330.258 Data collection.

Rule 9. (1) The department, with the advice and recommendations of the statewide stroke care advisory subcommittee and state EMS coordination committee, shall develop and maintain a statewide stroke registry. The registry must contain all the following:

(a) Standard stroke data elements and definitions as a minimum set of elements for data collection, with the addition of elements as recommended by the statewide stroke care advisory subcommittee and approved by the department, including subsequent amendments and editions.

(b) A plan for data that does all of the following:

(i) Notifies partners of data dictionary changes and new iterations annually.

(ii) Defines the data validation process for designated stroke center data submissions to the statewide stroke registry.

(iii) Participates in state data collaboration activities.

(iv) Establishes and maintains processes for the following:

(A) Submitting data related to stroke responses to the statewide stroke registry according to the data submission timelines.

(B) Monitoring national standards, regional issues, stroke center, and RPSRO to determine the need for additional data metrics needed for system function.

(C) For those stroke responses that met the inclusion criteria identified for data submission, submitting all of the following:

(1) Standard stroke data elements approved by the department with the advice and recommendations of statewide stroke care advisory subcommittee.

(2) Subsequent amendments or additions recommended by the statewide stroke care advisory subcommittee.

(v) Developing annual reports using regional and state data defined by the statewide stroke care advisory subcommittee that assess the state stroke system of care and regional stroke systems.

(vi) Evaluating and importing additional data from existing databases as needed.

(vii) Supporting and evaluating probabilistic and deterministic data linkages.

(2) The department shall support the data collection and analysis process.

(3) Both of the following apply to stroke center participation in data submission:

- (a) All designated stroke centers shall participate in data submission.
- (b) Participation as appropriate in the RPSRO, as provided in sections 1 to 3 of 1967 PA 270, MCL 331.531 to 331.533.

R 330.259 Statewide stroke registry.

Rule 10. (1) The purpose of the stroke registry is to collect and analyze system data to evaluate the delivery of stroke care, develop stroke risk reduction initiatives, and provide resources for stroke research and education.

(2) The department shall coordinate data collected by the stroke centers and EMS providers. The department shall develop and publish a data submission manual that specifies all of the following:

- (a) Data elements and definitions, including the standards under R 330.258(1)(a) and the following:
 - (i) Definitions of what constitutes a reportable stroke case.
 - (ii) Method of submitting data to the department.
 - (iii) Timetables for data submission.
 - (iv) Data submission format.
 - (v) Protections for individual record confidentiality.
- (b) Notification of stroke centers of the required registry data sets and to update the stroke centers and providers as necessary, when the registry data set changes.
- (c) Specification of both the process and timelines for stroke center submission of data to the department.

(3) All healthcare facilities shall submit to the department stroke data determined by the department to be required for the department's operation of the statewide stroke registry. The department shall prescribe and provide both of the following:

- (a) Standard reporting mechanisms used by all healthcare facilities.
- (b) The form and content of records maintained and the information to be reported to the department.
- (4) The department and regional stroke care advisory councils shall use the stroke registry data to identify and evaluate regional stroke care and to prepare reports and analyses as requested by regional stroke advisory councils, the statewide stroke care advisory subcommittee, or the state EMS coordination committee.

R 330.260 Regional performance improvement.

Rule 11. (1) Each regional stroke system shall develop and implement a regional stroke care performance improvement program. This program must include the standards under R 330.254(1)(d) and R 330.257(5) and the development of an annual process for reporting to the department a review of all region-wide policies, procedures, and protocols.

(2) Each regional stroke system is responsible for monitoring, assessing, and evaluating the system to improve stroke care, reduce death and disability, surveillance of stroke incidence and implementation of stroke risk reduction initiatives.

(3) Each regional stroke system shall appoint an RPSRO.

(4) Deviations from protocols established and adopted by local MCAs and approved by the department for stroke patients must be addressed through a documented stroke care performance improvement process established by a PSRO.

(5) Each regional stroke care advisory council shall observe the confidentiality provisions of 45 CFR Part 164, the health insurance portability and accountability act of 1996, Public Law 104-191, the data confidentiality provisions under the code, and any confidentiality provisions established by the RPSRO.

(6) The performance improvement process must include the standards under R 330.254(1)(d), and include all of the following system components to be evaluated:

- (a) Components of the regional stroke care plan.

- (b) Triage criteria and effectiveness.
 - (c) Stroke center diversion.
 - (d) Data driven provision of care defined by available data metrics supported by the region, the statewide stroke care advisory subcommittee, and the department.
- (7) Each regional stroke system is responsible for the ongoing evaluation of the stroke system of care. Accordingly, each region shall develop a procedure for receiving information from the regional stroke care system constituents on the implementation of various components of that region's stroke care system, and include the standards under R 330.254(1)(e), and include all the following:
- (a) Components of the regional stroke care plan.
 - (b) Triage criteria, and effectiveness.
 - (c) Stroke center diversion.
 - (d) Data analytics as defined by the department with the advice of the statewide stroke care advisory subcommittee.
- (8) Based on information received by the region in the evaluation process, the region shall annually prepare a report containing results of the evaluation and a performance improvement plan, if needed. The report must be made available to all regional stroke system constituents.
- (9) The region shall ensure that all stroke centers participate in this annual evaluation process and encourage all other hospitals that treat stroke patients to participate. The region shall not release specific information related to an individual patient or practitioner. Aggregate system performance information and evaluation must be available for review.

R 330.261 Destination protocols.

Rule 12. Local MCAs shall develop and submit stroke patient destination protocols to the bureau of emergency preparedness, EMS, and systems of care for review by the statewide quality assurance task force appointed under section 20916 of the code, MCL 333.20916. After review and approval by the department, the MCA shall formally adopt and implement the protocol. The following factors must be used in evaluating destination protocols:

- (a) An evidence-based validated stroke assessment tool.
- (b) Stroke patients shall not be transported to a healthcare facility that does not participate in the state stroke care system unless there is no other reasonable alternative available.
- (c) Stroke patients shall be transported to the closest appropriate stroke center as identified in regional and local medical control protocols.
- (d) If a level I, level II or level III stroke center is not within a reasonable distance from the incident scene, the stroke patient shall be transported to a level IV stroke center.
- (e) Each region shall make appropriate determinations for stroke patient destination based on what is best for the patient.
- (f) In areas of this state close to state borders, the most appropriate stroke center may be out of this state. If possible, transport stroke patients within state borders. Local protocols must address this issue.

R 330.262 Stroke patient inter-facility transfer protocols.

Rule 13. (1) All designated stroke centers shall maintain inter-facility transfer protocols for stroke patients that are consistent with regional and local medical control protocol and are compliant with 42 USC 1395dd.

(2) All level IV stroke centers shall develop and implement formal policies based on published guidelines for the transfer of stroke patients who need care at a level III, level II, or level I stroke center.

(3) All level III stroke centers shall develop and implement formal policies based on published guidelines for the transfer of stroke patients who need care at a level II or level I stroke center.

(4) All level II stroke centers shall develop and implement formal policies based on published guidelines for the transfer of stroke patients who need care at a level I stroke center.

(5) Stroke patients shall be transported to a hospital designated as a stroke center.

R 330.263 Criteria for transfer protocols; criteria.

Rule 14. (1) Designated stroke centers shall contact the department for current stroke patient transfer guidelines.

(2) Stroke care, including stroke bypass, must be provided to patients as necessary pursuant to 42 USC 1395dd or other applicable laws.

NOTICE OF PUBLIC HEARING

Department of Health and Human Services
Public Health Administration
Administrative Rules for Statewide Stroke System
Rule Set 2023-2 HS

NOTICE OF PUBLIC HEARING
Tuesday, August 22, 2023
9:00 AM

JAR Conference Room
1001 Terminal Road, Lansing, MI 48909

The Department of Health and Human Services will hold a public hearing to receive public comments on proposed changes to the Statewide Stroke System rule set.

The general purpose of the Statewide ST-Elevation Myocardial Infarction (STEMI) System rules outline the responsibilities of the department and the participants in the system and describe the process of STEMI program verification and designation; triage and transport and transfer; system evaluation; data collection; STEMI registry establishment; and STEMI performance improvement. The proposed rules will provide structure, clarity, and detail to operationalize the existing budgetary language and represent a stakeholder supported approach to system development that is practical, needed and designed to optimize quality care and positive outcomes for Michigan residents who have had a STEMI.

By authority conferred on the director of the department of health and human services by sections 2233, 9227, and 20910 of the public health code, 1978 PA 368, MCL 333.2233, 333.9227 and 333.20910, and section 1186 of article 6 of 2022 PA 166.

The proposed rules will take effect immediately after filing with the Secretary of State. The proposed rules are published on the State of Michigan's website at www.michigan.gov/ARD and in the 8/15/2023 issue of the Michigan Register. Copies of these proposed rules may also be obtained by mail or electronic mail at the following email address: MDHHS-Adminrules@michigan.gov.

Comments on these proposed rules may be made at the hearing, by mail, or by electronic mail at the following addresses until 8/25/2023 at 05:00PM.

Mary Brennan / Eileen Worden
1001 Terminal Road, Lansing, MI 48909
MDHHS-Adminrules@michigan.gov

The public hearing will be conducted in compliance with the 1990 Americans with Disabilities Act. If the hearing is held at a physical location, the building will be accessible with handicap parking available. Anyone needing assistance to take part in the hearing due to disability may call 517-335-4286 to make arrangements.

**CORRECTION OF OBVIOUS
ERRORS IN PUBLICATION**

MCL 24.256(1) states in part:

“Sec. 56. (1) The Office of Regulatory Reform shall perform the editorial work for the Michigan register and the Michigan Administrative Code and its annual supplement. The classification, arrangement, numbering, and indexing of rules shall be under the ownership and control of the Office of Regulatory Reform, shall be uniform, and shall conform as nearly as practicable to the classification, arrangement, numbering, and indexing of the compiled laws. The Office of Regulatory Reform may correct in the publications obvious errors in rules when requested by the promulgating agency to do so...”

**CORRECTION OF OBVIOUS
ERRORS IN PUBLICATION**

July 18, 2023

Ms. Deidre O’Berry
The Michigan Office of Administrative Hearings and Rules
Ottawa Building, 2nd Floor
611 West Ottawa Street
Lansing, MI 48909

RE: Request for a correction of the Michigan Administrative Code, Pharmacy – General Rules

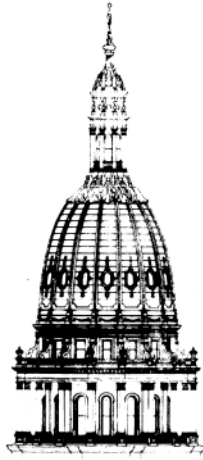
Dear Ms. O’Berry:

The Licensing and Regulatory Affairs Agency, Bureau of Professional Licensing, is writing to request that the Michigan Office of Administrative Hearings and Rules exercise its discretion to correct an obvious error in the Michigan Administrative Code, pursuant to Section 56(1), MCL 24.256, of the Administrative Procedures Act of 1969, 1969 PA 306, as amended.

The Agency requests the following correction in the Pharmacy – General Rules:

R 338.589(2): In the word prescription in subrule (2), the “e” in that word has a strike-line through it: prescription. It is requested that the strike-line be removed and the word be corrected to read as follows: prescription.

Please amend the rule set to reflect this correction in both the Michigan Register and the Michigan Administrative Code.



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**ADMINISTRATIVE RULES
ENROLLED SENATE AND HOUSE BILLS
SIGNED INTO LAW OR VETOED
(2023 SESSION)**

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.”

2023 Michigan Public Acts Table

Legislative Service Bureau
Legal Division, Statutory Compiling and Law Publications Unit
124 W. Allegan, Lansing, MI 48909

August 08, 2023
Compiled through PA 119 of 2023

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
0001		0007	Yes	1/31/2023	1/31/2023	1/31/2023	Appropriations; supplemental; appropriations for multiple departments and branches for fiscal years 2021-2022 and 2022-2023; provide for. (Sen. Sarah Anthony)
0002		0013	No	2/1/2023	2/1/2023	**	Elections; presidential primary; presidential primary election date; revise. (Sen. Jeremy Moss)
0003		0008	Yes	2/14/2023	2/14/2023	2/14/2023	Appropriations; supplemental; supplemental appropriations in the school aid act for fiscal years 2021-2022 and 2022-2023; provide for. (Sen. Sarah Anthony)
0004	4001		No	3/7/2023	3/7/2023	**	Individual income tax retirement or pension benefits; limitations and restrictions on deductions of certain retirement or pension benefits, revenue distributions, earned income tax credit, rebate payments, rebate and revitalization and placemaking funds; revise, increase, and provide for. (Rep. Angela Witwer)
0005	4016		Yes	3/8/2023	3/8/2023	3/8/2023	Appropriations; supplemental; appropriations for multiple departments for fiscal years 2021-2022 and 2022-2023; provide for. (Rep. Angela Witwer)
0006		0004	No	3/16/2023	3/16/2023	**	Civil rights; general discrimination; sexual orientation and gender identity or expression; include as categories protected under the Elliott-Larsen civil rights act. (Sen. Jeremy Moss)
0007		0012	No	3/24/2023	3/24/2023	**	Education; elementary; requirements related to the retention of certain grade 3 pupils; modify. (Sen. Dayna Polehanki)
0008		0034	No	3/24/2023	3/24/2023	**	Labor; collective bargaining collective bargaining rights; revise to restore former provisions. (Sen. Darrin Camilleri)

* - 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.

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
0009	4004		No	3/24/2023	3/24/2023	**	Labor ; <i>collective bargaining</i> requirement for agency fee for nonunion members; allow in bargaining agreements and as condition of employment in public sector. (Rep. Regina Weiss)
0010	4007		No	3/24/2023	3/24/2023	**	Labor ; <i>hours and wages</i> prevailing wage; reenact. (Rep. Brenda Carter)
0011	4006		No	4/5/2023	4/5/2023	**	Crimes ; <i>abortion</i> ; penalty for administering with intent to procure miscarriage and advertisement or sale of certain drugs; repeal. (Rep. Laurie Pohutsky)
0012		0002	No	4/5/2023	4/5/2023	**	Crimes ; <i>abortion</i> ; provision related to publication of cures for contraceptive preventatives; repeal. (Sen. Erika Geiss)
0013	4032		No	4/5/2023	4/5/2023	** #	Criminal procedure ; <i>sentencing guidelines</i> reference to crime of administering drugs to procure miscarriage; remove to reflect repeal. (Rep. Stephanie A. Young)
0014		0082	No	4/13/2023	4/13/2023	**	Use tax ; <i>exemptions</i> ; firearm safety devices; exempt. (Sen. Kevin Hertel)
0015		0081	No	4/13/2023	4/13/2023	**	Sales tax ; <i>exemptions</i> ; firearm safety devices; exempt. (Sen. Jeff Irwin)
0016		0080	No	4/13/2023	4/13/2023	** #	Crimes ; <i>weapons</i> ; sentencing guidelines reference; update. (Sen. Kristen McDonald Rivet)
0017		0079	No	4/13/2023	4/13/2023	**	Crimes ; <i>weapons</i> ; penalties for storing or leaving a firearm where it may be accessed by a minor; provide for. (Sen. Rosemary Bayer)
0018	4142		No	4/13/2023	4/13/2023	** #	Weapons ; <i>firearms</i> ; references to pistol in penal code; update. (Rep. Brenda Carter)

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** - Act takes effect on the 91st day after sine die adjournment of the Legislature.
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PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
0019	4138		No	4/13/2023	4/13/2023	**	Weapons; firearms; license or background check for purchase of firearms; require. (Rep. Jaime Churches)
0020	4039		Yes	4/26/2023	4/26/2023	4/26/2023	Sales tax; exemptions; delivery and installation; exempt from sales tax. (Rep. Pat Outman)
0021	4253		Yes	4/26/2023	4/26/2023	4/26/2023	Use tax; exemptions; delivery and installation; exempt from use tax. (Rep. Kevin Coleman)
0022	4143		No	4/26/2023	4/26/2023	** #	Weapons; firearms; references in sentencing guidelines; update. (Rep. Kristian Grant)
0023	4045		Yes	4/26/2023	4/26/2023	5/1/2023	Law enforcement; background check; volunteer employee criminal history system; establish. (Rep. Kathy Schmaltz)
0024	4219		Yes	4/26/2023	4/26/2023	4/26/2023	Economic development; Michigan strategic fund membership on the Michigan strategic fund board; modify. (Rep. Matt Hall)
0025		0259	Yes	5/1/2023	5/1/2023	5/1/2023	Elections; absent voters; tabulating absent voter ballots received up to 6 days after an election from an absent uniformed services voter or overseas voter; provide for. (Sen. Paul Wojno)
0026		0063	Yes	5/8/2023	5/8/2023	8/6/2023	Education; financing; use of school sinking fund; allow for school transportation. (Sen. Dayna Polehanki)
0027		0097	Yes	5/8/2023	5/8/2023	5/8/2023 #	Use tax; exemptions; industrial processing exemption; clarify. (Sen. Joseph Bellino)
0028		0101	Yes	5/8/2023	5/8/2023	5/8/2023	Insurance; other; procedures for electronic meetings of private insurance companies; eliminate sunset. (Sen. Sarah Anthony)

* - 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.
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- Tie bar.

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
0029		0160	Yes	5/8/2023	5/8/2023	5/8/2023	Taxation; other , reporting estimate of amount of use tax forgone; modify to reflect change in use tax act. (Sen. Sam Singh)
0030	4054		Yes	5/8/2023	5/8/2023	5/8/2023 #	Sales tax; exemptions ; industrial processing exemption; clarify. (Rep. Greg VanWoerkom)
0031		0147	No	5/17/2023	5/17/2023	**	Civil rights; other , certain references to nontherapeutic abortions in the Elliott-Larsen civil rights act; remove. (Sen. Erika Geiss)
0032		0018	Yes	5/17/2023	5/17/2023	8/15/2023	Holidays; other , "Fred Korematsu Day"; designate as January 30 of each year. (Sen. Stephanie Chang)
0033	4199		Yes	5/20/2023	5/22/2023	5/22/2023	Military affairs; other , Michigan National Guard tuition assistance program; expand eligibility for spouses and dependants. (Rep. Jennifer Conlin)
0034	4166		No	5/22/2023	5/22/2023	**	Education; school districts letter grade system for ranking public schools; eliminate. (Rep. Matt Koleszar)
0035	4147		No	5/22/2023	5/22/2023	** #	Civil procedure; service of process service of process for extreme risk protection order actions; provide for, and waive court fees. (Rep. Julie Brixie)
0036	4148		No	5/22/2023	5/22/2023	** #	Criminal procedure; sentencing guidelines guidelines for offenses under the extreme risk protection order act; enact. (Rep. Stephanie A. Young)
0037	4146		No	5/22/2023	5/22/2023	** #	Weapons; firearms ; purchase of firearms or obtaining a concealed pistol license; prohibit if individual has an extreme risk protection order. (Rep. Kelly Breen)
0038		0083	No	5/22/2023	5/22/2023	** #	Civil procedure; injunctions ; extreme risk protection order act; enact. (Sen. Mallory McMorrow)

* - 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.

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
0039	4251		Yes	6/7/2023	6/7/2023	6/30/2023 #	Traffic control; driver license ; penalties for operating a vehicle while sending or receiving a message on an electronic wireless device; enhance. (Rep. Tyrone Carter)
0040	4252		Yes	6/7/2023	6/7/2023	6/30/2023 #	Traffic control; violations ; forwarding abstract of record or report to secretary of state for penalties for operating a vehicle while sending or receiving a message on an electronic wireless device; enhance. (Rep. Mike Mueller)
0041	4250		Yes	6/7/2023	6/7/2023	6/30/2023 #	Traffic control; violations ; penalties for operating a vehicle while sending or receiving a message on an electronic wireless device; enhance. (Rep. Matt Koleszar)
0042	4555		Yes	6/12/2023	6/12/2023	6/12/2023	Holidays; other ; "Women Veterans Recognition Day"; designate as June 12 of each year. (Rep. Julie M. Rogers)
0043	4176		Yes	6/13/2023	6/13/2023	6/13/2023 #	Law enforcement; training ; law enforcement agencies that fund police training for recruits; allow agreements requiring reimbursement in certain situations. (Rep. Tyrone Carter)
0044		0032	Yes	6/13/2023	6/13/2023	6/13/2023 #	Law enforcement; training ; law enforcement agencies that fund police training for recruits; allow agreements requiring reimbursement in certain situations. (Sen. Sylvia Santana)
0045		0090	Yes	6/15/2023	6/15/2023	6/15/2023	Civil rights; racial discrimination ; discrimination based on traits historically associated with race such as hair texture; prohibit. (Sen. Sarah Anthony)
0046	4120		Yes	6/29/2023	6/29/2023	9/27/2023	Children; protection ; distribution of training package to individuals designated as mandatory reporters for child abuse or child neglect; require. (Rep. Julie M. Rogers)
0047	4121		Yes	6/29/2023	6/29/2023	9/27/2023 #	Health occupations; health professionals ; permanent revocation of license or registration if convicted of sexual conduct under pretext of medical treatment; provide for. (Rep. Kelly Breen)
0048	4122		Yes	6/29/2023	6/29/2023	9/27/2023 #	Health occupations; health professionals ; permanent revocation of license or registration if convicted of sexual conduct under pretext of medical treatment; provide for. (Rep. Kara Hope)

* - 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.

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
0049	4123		Yes	6/29/2023	6/29/2023	9/27/2023	Crimes; other , preventing reporting of crime; prohibit by use of position of authority. (Rep. Graham Filler)
0050	4124		Yes	6/29/2023	6/29/2023	9/27/2023	Crimes; other , preventing reporting of certain alleged crimes to title IX coordinator by use of position of authority; prohibit. (Rep. Carol Glanville)
0051	4125		Yes	6/29/2023	6/29/2023	9/27/2023	Education; discipline ; certain actions regarding a pupil who reports being sexually assaulted; require, and prohibit a pupil from being expelled or suspended for certain actions related to the incident. (Rep. Carrie Rheingans)
0052	4375		No	6/29/2023	6/29/2023	**	Economic development; other , definition of qualified city; modify. (Rep. Kristian Grant)
0053		0035	No	7/11/2023	7/12/2023	**	Human services; food assistance , asset test for food assistance program eligibility; eliminate. (Sen. Jeff Irwin)
0054		0050	Yes	7/11/2023	7/12/2023	7/12/2023	Holidays; other , "Juneteenth"; designate as a public holiday and observe on June 19. (Sen. Sylvia Santana)
0055		0052	Yes	7/11/2023	7/12/2023	7/12/2023	Natural resources; hunting , penalty for failing to report a deer harvest or retain a deer harvest confirmation number; modify. (Sen. John Cherry)
0056		0059	Yes	7/11/2023	7/12/2023	7/12/2023	Mental health; code , definition of a peace officer in the mental health code; modify. (Sen. John Cherry)
0057		0066	Yes	7/11/2023	7/12/2023	10/10/2023	Education; students , information regarding sexual assault and harassment; require schools to provide to students and encourage related professional development. (Sen. Stephanie Chang)
0058		0067	Yes	7/11/2023	7/12/2023	10/10/2023	Crimes; criminal sexual conduct , sexual contact and sexual penetration under pretext of medical treatment; prohibit, and provide penalties. (Sen. Dan Lauwers)

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PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
0059		0068	Yes	7/11/2023	7/12/2023	10/10/2023#	Criminal procedure; sentencing guidelines sentencing guidelines for sexual contact or sexual penetration under pretext of medical treatment; modify. (Sen. Erika Geiss)
0060		0069	Yes	7/11/2023	7/12/2023	10/10/2023	Health occupations; health professionals additional individual present during certain examinations of minors; require under certain circumstances and require consent. (Sen. Lana Theis)
0061		0070	Yes	7/11/2023	7/12/2023	10/10/2023#	Criminal procedure; sentencing guidelines sentencing guidelines for the crime of performing certain medical treatments on a minor without consent and another individual present and intentionally omitting certain services in a medical record; enact. (Sen. Ruth Johnson)
0062		0071	Yes	7/11/2023	7/12/2023	10/10/2023	Health; medical records provision for the protection, retention, and maintenance of medical records referencing a vaginal or anal penetration treatment for 15 years by a health professional and health facility or agency; implement, and authorize department to provide guidance to licensees on certain medical services. (Sen. Roger Hauck)
0063		0072	Yes	7/11/2023	7/12/2023	10/10/2023#	Criminal procedure; sentencing guidelines sentencing guidelines for the crime of performing certain medical treatments on a minor without consent and another individual present and intentionally omitting certain services in a medical record; enact. (Sen. Kristen McDonald Rivet)
0064		0073	Yes	7/11/2023	7/12/2023	7/12/2023	Civil rights; public records identity of parties proceeding anonymously in civil actions alleging sexual misconduct; exempt from disclosure under freedom of information act. (Sen. Sue Shink)
0065		0236	Yes	7/11/2023	7/12/2023	10/10/2023	Crimes; criminal sexual conduct definition of mentally incapacitated for criminal sexual conduct cases; modify. (Sen. Jeff Irwin)
0066		0125	Yes	7/11/2023	7/12/2023	7/12/2023 #	Transportation; railroads; local grade separation grant program and fund; create. (Sen. Darrin Camilleri)
0067	4153		Yes	7/11/2023	7/12/2023	7/12/2023 #	Transportation; railroads; priorities for local grade separation fund; provide for. (Rep. Jaime Churches)

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	HB	SB					
0068		0137	Yes	7/11/2023	7/12/2023	7/12/2023 #	Children; guardians; guardians of tribal children; allow access to guardian funds. (Sen. John Damoose)
0069		0138	Yes	7/11/2023	7/12/2023	7/12/2023 #	Children; guardians; guardians of tribal children; allow access to guardian funds. (Sen. Jeff Irwin)
0070	4689		Yes	7/11/2023	7/12/2023	7/12/2023	Highways; memorial; portion of US-127; designate as the "Trooper Starr Memorial Highway". (Rep. Kara Hope)
0071		0209	Yes	7/11/2023	7/12/2023	Pending #	Family law; marriage and divorce marriage entered into by a person under 18 years of age; void. (Sen. Sarah Anthony)
0072		0212	Yes	7/11/2023	7/12/2023	7/12/2023 #	Probate; other; references to a "married minor" in the estates and protected individuals code; eliminate. (Sen. Veronica Klinefelt)
0073		0213	Yes	7/11/2023	7/12/2023	7/12/2023	Family law; marriage and divorce right for emancipated minor to marry; revoke. (Sen. Rosemary Bayer)
0074		0216	Yes	7/11/2023	7/12/2023	7/12/2023	Children; other; reference to "marriage of minor child" in safe families for children act; remove. (Sen. Erika Geiss)
0075	4299		Yes	7/11/2023	7/12/2023	7/12/2023	Children; other; marriage license as documentation of emancipation; prohibit. (Rep. Kristian Grant)
0076	4300		Yes	7/11/2023	7/12/2023	7/12/2023	Family law; marriage and divorce action to annul a marriage based on legal age of consent; modify. (Rep. Jenn Hill)
0077	4202		Yes	7/11/2023	7/12/2023	7/12/2023	Criminal procedure; defenses; defense to criminal sexual conduct charges based solely on mental incapacitation of the victim if the victim is the actor's spouse; repeal. (Rep. Laurie Pohutsky)

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	HB	SB					
0078		0056	Yes	7/11/2023	7/12/2023	7/12/2023	Crimes; other , lewd and lascivious cohabitation; repeal prohibition. (Sen. Stephanie Chang)
0079		0164	No	7/11/2023	7/12/2023	**	Economic development; other , principal shopping district and business improvement zones; modify. (Sen. Sue Shink)
0080	4454		No	7/11/2023	7/12/2023	**	Economic development; other , principal shopping district and business improvement zones; modify. (Rep. Tyrone Carter)
0081		0367	No	7/18/2023	7/19/2023	** #	Elections; voting procedures , early voting procedures; provide for, allow processing and tabulation of absent voter ballots during the early voting period, and allow an absent voter to tabulate the absent voter's ballot in person at a polling place or early voting site. (Sen. Jeremy Moss)
0082		0370	No	7/18/2023	7/19/2023	** #	Elections; absent voters , signature matching and curing for absent voter ballot applications and absent voter ballot return envelopes; provide for, and provide for modifications to the absent voter ballot application and process. (Sen. Sylvia Santana)
0083	4696		No	7/18/2023	7/19/2023	** #	Criminal procedure; sentencing guidelines , sentencing guidelines for certain Michigan election law violations; provide for and update. (Rep. Penelope Tsernoglou)
0084		0339	No	7/18/2023	7/19/2023	**	Elections; absent voters , absent voter ballot and application tracking system; create. (Sen. Mallory McMorrow)
0085	4697		No	7/18/2023	7/19/2023	**	Elections; absent voter ballot drop boxes , requirements for absent voter ballot drop boxes; modify. (Rep. Matt Koleszar)
0086	4699		No	7/18/2023	7/19/2023	**	Elections; absent voters , provisions regarding permanent mail ballot voters; implement, and modify certain election material retention periods. (Rep. Erin Byrnes)
0087		0373	No	7/18/2023	7/19/2023	** #	Elections; voters , definition of identification for election purposes; expand. (Sen. Stephanie Chang)

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	HB	SB					
0088	4702		No	7/18/2023	7/19/2023	**	Elections; other ; precinct size; increase. <i>(Rep. Penelope Tsernoglou)</i>
0089		0289	Yes	7/18/2023	7/19/2023	7/19/2023	Economic development; brownfield redevelopment authority ; tax capture revenues; modify. <i>(Sen. Jeremy Moss)</i>
0090		0129	Yes	7/18/2023	7/19/2023	7/19/2023	Economic development; brownfield redevelopment authority ; certain housing activities; allow, and modify tax capture revenues. <i>(Sen. Sam Singh)</i>
0091		0130	Yes	7/18/2023	7/19/2023	7/19/2023 #	Property tax; other ; reference to the brownfield redevelopment financing act; update. <i>(Sen. Kristen McDonald Rivet)</i>
0092		0131	Yes	7/18/2023	7/19/2023	7/19/2023 #	Use tax; other ; reference to the brownfield redevelopment financing act; update. <i>(Sen. Mary Cavanagh)</i>
0093		0132	Yes	7/18/2023	7/19/2023	7/19/2023 #	Sales tax; other ; reference to the brownfield redevelopment financing act; update. <i>(Sen. Sue Shink)</i>
0094		0326	Yes	7/18/2023	7/19/2023	7/19/2023	Use tax; definitions ; definitions; modify. <i>(Sen. Sam Singh)</i>
0095		0141	Yes	7/18/2023	7/19/2023	7/19/2023	Liquor; licenses ; carryout sales and delivery of alcoholic liquor by an on-premises licensee; eliminate sunset. <i>(Sen. Mallory McMorrow)</i>
0096		0247	Yes	7/18/2023	7/19/2023	7/19/2023	Liquor; licenses ; issuance of liquor licenses to sporting venues on premises of public universities; allow. <i>(Sen. Sean McCann)</i>
0097		0219	Yes	7/18/2023	7/19/2023	7/19/2023	Health occupations; pharmacists ; pharmacists to order and administer certain vaccines and laboratory tests and dispense drugs under certain circumstances; allow. <i>(Sen. Sylvia Santana)</i>

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	HB	SB					
0098	4495		Yes	7/18/2023	7/19/2023	7/19/2023	Human services; medical services general changes to the medical assistance program; provide for. (Rep. Will Snyder)
0099	4496		Yes	7/18/2023	7/19/2023	7/19/2023	Human services; medical services general changes to the medical assistance program; provide for. (Rep. Graham Filler)
0100	4362		Yes	7/18/2023	7/19/2023	7/19/2023 #	Individual income tax forms ; option for individuals to complete a donor registry schedule to participate in organ donor registry with annual income tax return; provide for. (Rep. Felicia Brabec)
0101	4363		Yes	7/18/2023	7/19/2023	7/19/2023 #	Health; anatomical gifts inclusion on the donor registry of an individual who elects to be a donor on an income tax schedule; allow. (Rep. Cynthia Neeley)
0102	4364		Yes	7/18/2023	7/19/2023	7/19/2023 #	Taxation; administration ; disclosure of certain information related to the donor registry program; allow. (Rep. Natalie Price)
0103		0173	Yes	7/20/2023	7/21/2023	***	Appropriations; school aid omnibus appropriations in the school aid act for fiscal year 2023-2024; provide for. (Sen. Darrin Camilleri)
0104		0014	No	7/26/2023	7/27/2023	**	Administrative procedure; rules ; prohibition on adoption of rules by state agencies from being more stringent than federal regulations; eliminate. (Sen. Sean McCann)
0105		0288	Yes	7/26/2023	7/27/2023	7/27/2023	Human services; services or financial assistance Michigan energy assistance program sunset; repeal. (Sen. Sam Singh)
0106		0302	No	7/26/2023	7/27/2023	** #	Energy; alternative sources property assessed clean energy program; require new construction energy projects to exceed uniform energy code standards. (Sen. Darrin Camilleri)
0107		0303	No	7/26/2023	7/27/2023	** #	Energy; alternative sources property assessed clean energy program; include environmental hazard and new construction projects and agricultural and multifamily property. (Sen. Kristen McDonald Rivet)

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	HB	SB					
0108	4317		Yes	7/26/2023	7/27/2023	7/27/2023 #	Property tax ; payment in lieu of taxes; payment in lieu of taxes for certain renewable energy facilities; provide for. (Rep. Curtis VanderWall)
0109	4318		Yes	7/26/2023	7/27/2023	7/27/2023 #	Property tax ; payment in lieu of taxes; payment in lieu of taxes for renewable energy facilities; provide for. (Rep. Cynthia Neeley)
0110		0161	Yes	7/26/2023	7/27/2023	7/27/2023	Education ; teachers and administrators; certain requirements concerning teacher certification; modify. (Sen. Erika Geiss)
0111		0162	Yes	7/26/2023	7/27/2023	7/27/2023	Education ; counseling; reciprocity for out-of-state school counselors; expand. (Sen. Sean McCann)
0112		0359	Yes	7/26/2023	7/27/2023	7/27/2023	Labor ; collective bargaining method of compensation for teachers and school administrators; modify. (Sen. Stephanie Chang)
0113	4044		No	7/26/2023	7/27/2023	**	Labor ; public service employment provisions related to the collection of union dues by public school personnel and the freezing of wages and benefits for certain public employees during contract negotiations; repeal. (Rep. Matt Koleszar)
0114	4233		No	7/26/2023	7/27/2023	**	Labor ; public service employment labor organizations' assistance in collecting dues from public school employees; remove prohibition against. (Rep. Jaime Churches)
0115	4354		No	7/26/2023	7/27/2023	**	Labor ; public service employment performance evaluation standards, merit pay standards, and decisions on layoff, recall, hiring, position eliminations, classroom observation, teacher placement, evaluation, discipline, and discharge; remove from prohibited subjects of bargaining for public school employers. (Rep. Regina Weiss)
0116	4820		No	7/26/2023	7/27/2023	7/11/2024 #	Education ; teachers and administrators; factors for personnel decisions; modify. (Rep. Phil Skaggs)
0117	4616		No	7/26/2023	7/27/2023	** #	Mental health ; children; conversion therapy; prohibit. (Rep. Felicia Brabec)

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	HB	SB					
0118	4617		No	7/26/2023	7/27/2023	** #	Mental health; other ; definition of conversion therapy; provide for. (Rep. Jason Hoskins)
0119	4437		Yes	7/31/2023	8/1/2023	8/1/2023 +	Appropriations; omnibus ; appropriations for multiple departments and branches for fiscal year 2023-2024; provide for, and make supplemental appropriations for fiscal year 2022-2023. (Rep. Angela Witwer)

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