



EMSCC LEGISLATIVE SUBCOMMITTEE

AGENDA

January 8, 2024

10 a.m. – 12 p.m.

VIRTUAL ONLY

Microsoft Teams

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248-509-0316 Access Code: 564 056 523#

Committee Members: Bruce Trevithick – chair, Dr. Brent, Lance Corey, Ken Cummings, Greg Flynn, Paul Hood, Lauren LaPine, Angela Madden, Bob Miljan, Monty Nye, Jonathan Pyka, Alyson Sundberg, Jeff White.

A G E N D A

- I. Call to Order
- II. Minutes – November 13, 2023 (will be sent separate from agenda) Tab 1
- III. Current Legislation Review
 - A. HB 5072 – Storage of Medical Records Tab 2
 - B. HB 5341 & 5342 – Definition of Emergency Vehicle Tab 3a-b
 - C. HB 4520 & 4521 – Violence Against Health Care Workers Tab 4a-b
- III. Other Business
 - A. Legislative Tracking Sheet Tab 5
- IV. Adjourn

HOUSE BILL NO. 5072

September 28, 2023, Introduced by Reps. Thompson, Hoadley, Alexander, Bierlein, Meerman, DeBoyer, Maddock, Bruck, Johnsen, Smit, Fink, Jaime Greene, Markkanen, Cavitt, Rigas, Schmaltz, Roth and Kunse and referred to the Committee on Government Operations.

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16213, 20175, and 20175a (MCL 333.16213, 333.20175, and 333.20175a), sections 16213 and 20175a as added and section 20175 as amended by 2006 PA 481.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16213. (1) ~~An individual licensed under this article~~ **A**
2 **licensee** shall keep and maintain a record for each patient for whom
3 ~~he or she~~ **the licensee** has provided medical services, including a
4 full and complete record of tests and examinations performed,

1 observations made, and treatments provided. Unless a longer
2 retention period is otherwise required under federal or state laws
3 or regulations or by generally accepted standards of medical
4 practice, a licensee shall keep and retain each record for a
5 minimum of 7 years from the date of service to which the record
6 pertains. The records ~~shall~~**must** be maintained in such a manner as
7 to protect their integrity, to ensure their confidentiality and
8 proper use, and to ensure their accessibility and availability to
9 each patient or ~~his or her~~**the patient's** authorized representative
10 as required by law. A licensee may destroy a record that is less
11 than 7 years old only if both of the following are satisfied:

12 (a) The licensee sends a written notice to the patient at the
13 last known address of that patient informing the patient that the
14 record is about to be destroyed, offering the patient the
15 opportunity to request a copy of that record, and requesting the
16 patient's written authorization to destroy the record.

17 (b) The licensee receives written authorization from the
18 patient or ~~his or her~~**the patient's** authorized representative
19 agreeing to the destruction of the record.

20 (2) If a licensee is unable to comply with this section, the
21 licensee shall employ or contract, arrange, or enter into an
22 agreement with another health care provider, a health facility or
23 agency, or a medical records company to protect, maintain, and
24 provide access to those records required under subsection (1).

25 (3) If a licensee ~~or registrant~~ sells or closes ~~his or her~~**the**
26 **licensee's** practice, retires from practice, or otherwise ceases to
27 practice under this article, the licensee or the personal
28 representative of the licensee, if the licensee is deceased, shall
29 not abandon the records required under this section and shall send

1 a written notice to the department that specifies who will have
 2 custody of the medical records and how a patient may request access
 3 to or copies of ~~his or her~~ **the patient's** medical records and shall
 4 do either of the following:

5 (a) Transfer the records required under subsection (1) to any
 6 of the following:

7 (i) A successor licensee.

8 (ii) If requested by the patient or ~~his or her~~ **the patient's**
 9 authorized representative, to the patient or a specific health
 10 facility or agency or other health care provider licensed under
 11 article 15.

12 (iii) A health care provider, a health facility or agency, or a
 13 medical records company with which the licensee had contracted or
 14 entered into an agreement to protect, maintain, and provide access
 15 to those records required under subsection (1).

16 (b) In accordance with subsection (1), as long as the licensee
 17 or the personal representative of the licensee, if the licensee is
 18 deceased, sends a written notice to the last known address of each
 19 patient for whom ~~he or she~~ **the licensee** has provided medical
 20 services and receives written authorization from the patient or ~~his~~
 21 ~~or her~~ **the patient's** authorized representative, destroy the records
 22 required under subsection (1). The notice ~~shall~~ **must** provide the
 23 patient with 30 days to request a copy of ~~his or her~~ **the patient's**
 24 record or to designate where ~~he or she~~ **the patient** would like ~~his~~
 25 ~~or her~~ **the patient's** medical records transferred and ~~shall~~ **must**
 26 request from the patient within 30 days written authorization for
 27 the destruction of ~~his or her~~ **the patient's** medical records. If the
 28 patient fails to request a copy or transfer of ~~his or her~~ **the**
 29 **patient's** medical records or to provide the licensee with written

1 authorization for the destruction, then the licensee or the
2 personal representative of the licensee shall not destroy those
3 records that are less than 7 years old but may destroy, in
4 accordance with subsection (4), those that are 7 years old or
5 older.

6 (4) Except as otherwise provided under this section or federal
7 or state laws and regulations, records required to be maintained
8 under subsection (1) may be destroyed or otherwise disposed of
9 after being maintained for 7 years. If records maintained in
10 accordance with this section are subsequently destroyed or
11 otherwise disposed of, those records ~~shall~~**must** be shredded,
12 incinerated, electronically deleted, or otherwise disposed of in a
13 manner that ensures continued confidentiality of the patient's
14 health care information and any other personal information relating
15 to the patient. If records are **not** destroyed or otherwise disposed
16 of as provided under this subsection, the department may take
17 action, including, but not limited to, contracting for or making
18 other arrangements to ensure that those records and any other
19 confidential identifying information related to the patient are
20 properly destroyed or disposed of to protect the confidentiality of
21 patient's health care information and any other personal
22 information relating to the patient. Before the department takes
23 action in accordance with this subsection, the department, if able
24 to identify the licensee responsible for the improper destruction
25 or disposal of the medical records at issue, shall send a written
26 notice to that licensee at ~~his or her~~**the licensee's** last known
27 address or place of business on file with the department and
28 provide the licensee with an opportunity to properly destroy or
29 dispose of those medical records as required under this subsection

1 unless a delay in the proper destruction or disposal may compromise
2 the patient's confidentiality. The department may assess the
3 licensee with the costs incurred by the department to enforce this
4 subsection.

5 **(5) If a licensee uses an off-site physical or virtual**
6 **environment, including through a medical records company, to**
7 **maintain the records required under subsection (1), the licensee**
8 **shall ensure that the off-site physical or virtual environment is**
9 **physically maintained in a province of Canada or a state.**

10 **(6)** ~~(5)~~ A person ~~who~~ **that** fails to comply with this section is
11 subject to an administrative fine of not more than \$10,000.00 if
12 the failure was the result of gross negligence or willful and
13 wanton misconduct.

14 **(7)** ~~(6) Nothing in this~~ **This** section ~~shall~~ **must not** be
15 construed to create or change the ownership rights to any medical
16 records.

17 **(8)** ~~(7)~~ As used in this section:

18 (a) "Medical record" or "record" means information, oral or
19 recorded in any form or medium, that pertains to a patient's health
20 care, medical history, diagnosis, prognosis, or medical condition
21 and that is maintained by a licensee in the process of providing
22 medical services.

23 (b) "Medical records company" means a person ~~who~~ **that**
24 contracts for or agrees to protect, maintain, and provide access to
25 medical records for a health care provider or health facility or
26 agency in accordance with this section.

27 (c) "Patient" means an individual who receives or has received
28 health care from a health care provider or health facility or
29 agency. Patient includes a guardian, if appointed, and a parent,

1 guardian, or person acting in loco parentis, if the individual is a
2 minor, unless the minor lawfully obtained health care without the
3 consent or notification of a parent, guardian, or other person
4 acting in loco parentis, in which case the minor has the exclusive
5 right to exercise the rights of a patient under this section with
6 respect to ~~his or her~~ **the minor's** medical records relating to that
7 care.

8 Sec. 20175. (1) A health facility or agency shall keep and
9 maintain a record for each patient, including a full and complete
10 record of tests and examinations performed, observations made,
11 treatments provided, and in the case of a hospital, the purpose of
12 hospitalization. Unless a longer retention period is otherwise
13 required under federal or state laws or regulations or by generally
14 accepted standards of medical practice, a health facility or agency
15 shall keep and retain each record for a minimum of 7 years from the
16 date of service to which the record pertains. A health facility or
17 agency shall maintain the records in such a manner as to protect
18 their integrity, to ensure their confidentiality and proper use,
19 and to ensure their accessibility and availability to each patient
20 or ~~his or her~~ **the patient's** authorized representative as required
21 by law. A health facility or agency may destroy a record that is
22 less than 7 years old only if both of the following are satisfied:

23 (a) The health facility or agency sends a written notice to
24 the patient at the last known address of that patient informing the
25 patient that the record is about to be destroyed, offering the
26 patient the opportunity to request a copy of that record, and
27 requesting the patient's written authorization to destroy the
28 record.

29 (b) The health facility or agency receives written

1 authorization from the patient or ~~his or her~~ **the patient's**
2 authorized representative agreeing to the destruction of the
3 record. Except as otherwise provided under federal or state laws
4 and regulations, records required to be maintained under this
5 subsection may be destroyed or otherwise disposed of after being
6 maintained for 7 years. If records maintained in accordance with
7 this section are subsequently destroyed or otherwise disposed of,
8 those records ~~shall~~ **must** be shredded, incinerated, electronically
9 deleted, or otherwise disposed of in a manner that ensures
10 continued confidentiality of the patient's health care information
11 and any other personal information relating to the patient. If
12 records are **not** destroyed or otherwise disposed of as provided
13 under this subsection, the department may take action, including,
14 but not limited to, contracting for or making other arrangements to
15 ensure that those records and any other confidential identifying
16 information related to the patient are properly destroyed or
17 disposed of to protect the confidentiality of patient's health care
18 information and any other personal information relating to the
19 patient. Before the department takes action in accordance with this
20 subsection, the department, if able to identify the health facility
21 or agency responsible for the improper destruction or disposal of
22 the medical records at issue, shall send a written notice to that
23 health facility or agency at the last known address on file with
24 the department and provide the health facility or agency with an
25 opportunity to properly destroy or dispose of those medical records
26 as required under this subsection unless a delay in the proper
27 destruction or disposal may compromise the patient's
28 confidentiality. The department may assess the health facility or
29 agency with the costs incurred by the department to enforce this

1 subsection. In addition to the sanctions set forth in section
2 20165, a hospital that fails to comply with this subsection is
3 subject to an administrative fine of \$10,000.00.

4 (2) A hospital shall take precautions to ~~assure~~**ensure** that
5 the records required by subsection (1) are not wrongfully altered
6 or destroyed. A hospital that fails to comply with this subsection
7 is subject to an administrative fine of \$10,000.00.

8 (3) Unless otherwise provided by law, the licensing and
9 certification records required by this article are public records.

10 (4) Departmental officers and employees shall respect the
11 confidentiality of patient clinical records and shall not divulge
12 or disclose the contents of records in a manner that identifies an
13 individual except ~~pursuant to~~**under** court order or as otherwise
14 authorized by law.

15 (5) A health facility or agency that employs, contracts with,
16 or grants privileges to a health professional licensed or
17 registered under article 15 shall report the following to the
18 department not more than 30 days after it occurs:

19 (a) Disciplinary action taken by the health facility or agency
20 against a health professional licensed or registered under article
21 15 based on the licensee's or registrant's professional competence,
22 disciplinary action that results in a change of employment status,
23 or disciplinary action based on conduct that adversely affects the
24 licensee's or registrant's clinical privileges for a period of more
25 than 15 days. As used in this subdivision, "adversely affects"
26 means the reduction, restriction, suspension, revocation, denial,
27 or failure to renew the clinical privileges of a licensee or
28 registrant by a health facility or agency.

29 (b) Restriction or acceptance of the surrender of the clinical

1 privileges of a licensee or registrant under either of the
2 following circumstances:

3 (i) The licensee or registrant is under investigation by the
4 health facility or agency.

5 (ii) There is an agreement in which the health facility or
6 agency agrees not to conduct an investigation into the licensee's
7 or registrant's alleged professional incompetence or improper
8 professional conduct.

9 (c) A case in which a health professional resigns or
10 terminates a contract or whose contract is not renewed instead of
11 the health facility taking disciplinary action against the health
12 professional.

13 (6) ~~Upon~~**On** request by another health facility or agency
14 seeking a reference for purposes of changing or granting staff
15 privileges, credentials, or employment, a health facility or agency
16 that employs, contracts with, or grants privileges to health
17 professionals licensed or registered under article 15 shall notify
18 the requesting health facility or agency of any disciplinary or
19 other action reportable under subsection (5) that it has taken
20 against a health professional licensed or registered under article
21 15 and employed by, under contract to, or granted privileges by the
22 health facility or agency.

23 (7) For the purpose of reporting disciplinary actions under
24 this section, a health facility or agency shall include only the
25 following in the information provided:

26 (a) The name of the licensee or registrant against whom
27 disciplinary action has been taken.

28 (b) A description of the disciplinary action taken.

29 (c) The specific grounds for the disciplinary action taken.

1 (d) The date of the incident that is the basis for the
2 disciplinary action.

3 (8) The records, data, and knowledge collected for or by
4 individuals or committees assigned a professional review function
5 in a health facility or agency, or an institution of higher
6 education in this state that has colleges of osteopathic and human
7 medicine, are confidential, ~~shall~~**must** be used only for the
8 purposes provided in this article, are not public records, and are
9 not subject to court subpoena.

10 Sec. 20175a. (1) If a health facility or agency is unable to
11 comply with section 20175, the health facility or agency shall
12 employ or contract, arrange, or enter into an agreement with
13 another health facility or agency or a medical records company to
14 protect, maintain, and provide access to those records required
15 under section 20175(1).

16 (2) If a health facility or agency closes or otherwise ceases
17 operation, the health facility or agency shall not abandon the
18 records required to be maintained under section 20175(1) and shall
19 send a written notice to the department that specifies who will
20 have custody of the medical records and how a patient may request
21 access to or copies of ~~his or her~~**the patient's** medical records and
22 shall do either of the following:

23 (a) Transfer the records required under section 20175(1) to
24 any of the following:

25 (i) A successor health facility or agency.

26 (ii) If designated by the patient or ~~his or her~~**the patient's**
27 authorized representative, to the patient or a specific health
28 facility or agency or a health care provider licensed or registered
29 under article 15.

1 (iii) A health facility or agency or a medical records company
2 with which the health facility or agency had contracted or entered
3 into an agreement to protect, maintain, and provide access to those
4 records required under section 20175(1).

5 (b) In accordance with section 20175(1), as long as the health
6 facility or agency sends a written notice to the last known address
7 of each patient for whom ~~he or she~~ **the health facility or agency**
8 has provided medical services and receives written authorization
9 from the patient or ~~his or her~~ **the patient's** authorized
10 representative, destroy the records required under section
11 20175(1). The notice ~~shall~~ **must** provide the patient with 30 days to
12 request a copy of ~~his or her~~ **the patient's** record or to designate
13 where ~~he or she~~ **the patient** would like ~~his or her~~ **the patient's**
14 medical records transferred and ~~shall~~ **must** request from the patient
15 within 30 days written authorization for the destruction of ~~his or~~
16 ~~her~~ **the patient's** medical records. If the patient fails to request
17 a copy or transfer of ~~his or her~~ **the patient's** medical records or
18 to provide the health facility or agency with written authorization
19 for the destruction, then the health facility or agency shall not
20 destroy those records that are less than 7 years old but may
21 destroy, in accordance with section 20175(1), those that are 7
22 years old or older.

23 (3) **If a health facility or agency uses an off-site physical**
24 **or virtual environment, including through a medical records**
25 **company, to maintain the records required under section 20175(1),**
26 **the health facility or agency shall ensure that the off-site**
27 **physical or virtual environment is physically maintained in a**
28 **province of Canada or a state.**

29 (4) ~~(3) Nothing in this~~ **This section shall** ~~must not~~ be

1 ~~conducted~~**construed** to create or change the ownership rights to any
2 medical records.

3 (5) ~~(4)~~A person that fails to comply with this section is
4 subject to an administrative fine of not more than \$10,000.00 if
5 the failure was the result of gross negligence or willful and
6 wanton misconduct.

7 (6) ~~(5)~~As used in this section **and section 20175:**

8 (a) "Medical record" or "record" means information, oral or
9 recorded in any form or medium, that pertains to a patient's health
10 care, medical history, diagnosis, prognosis, or medical condition
11 and that is maintained by a licensee in the process of providing
12 medical services.

13 (b) "Medical records company" means a person ~~who~~**that**
14 contracts for or agrees to protect, maintain, and provide access to
15 medical records for a health facility or agency in accordance with
16 section 20175.

17 (c) "Patient" means an individual who receives or has received
18 health care from a health care provider or health facility or
19 agency. Patient includes a guardian, if appointed, and a parent,
20 guardian, or person acting in loco parentis, if the individual is a
21 minor, unless the minor lawfully obtained health care without the
22 consent or notification of a parent, guardian, or other person
23 acting in loco parentis, in which case the minor has the exclusive
24 right to exercise the rights of a patient under this section with
25 respect to ~~his or her~~**the minor's** medical records relating to that
26 care.

HOUSE BILL NO. 5341

November 14, 2023, Introduced by Reps. BeGole, Prestin, Outman, Neyer, Mueller, Cavitt, Meerman, Kunse, Slagh, Harris, Bezotte, Borton, Posthumus, Kuhn, Shannon, Roth, McKinney, Wozniak, Beson, Schmaltz, Thompson, Zorn, Markkanen, Phil Green, Bruck, Alexander, Martin, VanderWall and Jaime Greene and referred to the Committee on Transportation, Mobility and Infrastructure.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 2 and 698 (MCL 257.2 and 257.698), section 2
as amended by 2011 PA 231 and section 698 as amended by 2020 PA
382.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. (1) "Authorized emergency vehicle" means any 1 of the
2 following:

3 (a) Vehicles of the fire department, police vehicles,
4 ambulances, privately owned motor vehicles of volunteer or paid

1 fire fighters, or volunteer members of an emergency rescue unit if
2 authorized by the chief of an organized fire department, a county
3 sheriff, or the director of the department of state police, or
4 privately owned motor vehicles of volunteer or paid members of a
5 life support agency licensed by the department of licensing and
6 regulatory affairs if authorized by the life support agency.

7 (b) For purposes of section 698(5)(c) during an emergency, a
8 vehicle owned and operated by a federally recognized nonprofit
9 charitable organization that is used exclusively for assistance
10 during that emergency.

11 (c) For purposes of section 653a, a road service vehicle
12 giving a visual signal by means of a flashing, rotating, or
13 oscillating red or amber light. ~~As used in this subdivision, "road~~
14 ~~service vehicle" means a vehicle that is clearly marked and readily~~
15 ~~recognizable as a vehicle used to assist disabled vehicles.~~

16 (d) **A vehicle that meets both of the following requirements:**

17 (i) **Is owned by the Michigan Mutual Aid Box Alarm System, a**
18 **public agency as that term is defined in section 2 of the urban**
19 **cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.502.**

20 (ii) **Is operated during an interlocal emergency pursuant to an**
21 **interlocal agreement under the urban cooperation act of 1967, 1967**
22 **(Ex Sess) PA 7, MCL 124.501 to 124.512.**

23 (2) As used in this section:

24 (a) "Emergency rescue unit" means an entity with training in a
25 specialized discipline exceeding the level of training for medical
26 first responders.

27 (b) "Life support agency" means that term as defined in
28 section 20906 of the public health code, 1978 PA 368, MCL
29 333.20906.

1 (c) "Medical first responder" means that term as defined in
2 section 20906 of the public health code, 1978 PA 368, MCL
3 333.20906.

4 (d) "Road service vehicle" means a vehicle that is clearly
5 marked and readily recognizable as a vehicle used to assist
6 disabled vehicles.

7 Sec. 698. (1) A motor vehicle may be equipped with not more
8 than 2 side cowl or fender lamps that emit an amber or white light
9 without glare.

10 (2) A motor vehicle may be equipped with not more than 1
11 running board courtesy lamp on each side that emits a white or
12 amber light without glare.

13 (3) Backing lights of red, amber, or white may be mounted on
14 the rear of a motor vehicle if the switch controlling the light is
15 so arranged that the light may be turned on only if the vehicle is
16 in reverse gear. The backing lights, when unlighted, must be
17 covered or otherwise arranged so as not to reflect objectionable
18 glare in the eyes of an operator of a vehicle approaching from the
19 rear.

20 (4) Unless both covered and unlit, a vehicle operated on ~~the~~
21 ~~highways of this state~~ **a highway** must not be equipped with a lamp
22 or a part designed to be a reflector unless expressly required or
23 permitted by this chapter or that meets the standards prescribed in
24 49 CFR 571.108. Except as otherwise provided, a lamp or a part
25 designed to be a reflector, if visible from the front, must display
26 or reflect a white or amber light; if visible from either side,
27 must display or reflect an amber or red light; and if visible from
28 the rear, must display or reflect a red light.

29 (5) The use or possession of flashing, ~~oscillating,~~ **rotating,**

1 or ~~rotating~~**oscillating** lights of any color is prohibited except as
2 otherwise provided by law or under the following circumstances:

3 (a) A police vehicle must be equipped with flashing, rotating,
4 or oscillating red or blue lights, for use in the performance of
5 police duties.

6 (b) A fire vehicle or ambulance available for public use or
7 for use of the United States, this state, or any unit of this
8 state, whether publicly or privately owned, must be equipped with
9 flashing, rotating, or oscillating red lights and used as required
10 for safety.

11 (c) An authorized emergency vehicle may be equipped with
12 flashing, rotating, or oscillating red lights for use when
13 responding to an emergency call if, when in use, the flashing,
14 rotating, or oscillating red lights are clearly visible in a 360-
15 degree arc from a distance of 500 feet.

16 (d) Flashing, rotating, or oscillating amber or green lights,
17 placed in a position as to be visible throughout an arc of 360
18 degrees, must be used by a state, county, or municipal vehicle
19 engaged in the removal of ice, snow, or other material from ~~the a~~
20 highway and in other operations designed to control ice and snow,
21 or engaged in other non-winter operations. This subdivision does
22 not prohibit the use of a flashing, rotating, or oscillating green
23 light by a fire service.

24 (e) A vehicle used for the cleanup of spills or a necessary
25 emergency response action taken under state or federal law or a
26 vehicle operated by an employee of the department of natural
27 resources or the department of environment, Great Lakes, and energy
28 that responds to a spill, emergency response action, complaint, or
29 compliance activity may be equipped with flashing, rotating, or

1 oscillating amber or green lights. The lights ~~described in this~~
 2 ~~subdivision~~ must not be activated unless the vehicle is at the
 3 scene of a spill, emergency response action, complaint, or
 4 compliance activity. This subdivision does not prohibit the use of
 5 a flashing, rotating, or oscillating green light by a fire service.

6 (f) A vehicle **used** to perform public utility service, a
 7 vehicle owned or leased by and licensed as a business for use in
 8 the collection and hauling of refuse, an automobile service car or
 9 wrecker, a vehicle of a peace officer, a vehicle operated by a
 10 rural letter carrier or a person under contract to deliver
 11 newspapers or other publications by motor route, a vehicle utilized
 12 for snow or ice removal under section 682c, a private security
 13 guard vehicle as authorized ~~in~~**under** subsection (7), a motor
 14 vehicle while engaged in escorting or transporting an oversize load
 15 that has been issued a permit by the state transportation
 16 department or a local authority with respect to highways under its
 17 jurisdiction, a vehicle owned by the National Guard or a United
 18 States military vehicle while traveling under the appropriate
 19 recognized military authority, a motor vehicle while towing an
 20 implement of husbandry, or an implement of husbandry may be
 21 equipped with flashing, rotating, or oscillating amber lights.
 22 However, a wrecker may be equipped with flashing, rotating, or
 23 oscillating red lights that must be activated only when the wrecker
 24 is engaged in removing or assisting a vehicle at the scene of a
 25 traffic accident or disablement. The flashing, rotating, or
 26 oscillating amber lights must not be activated ~~except when~~**unless**
 27 the warning produced by the lights is required for public safety. A
 28 vehicle engaged in authorized highway repair or maintenance may be
 29 equipped with flashing, rotating, or oscillating amber or green

1 lights. This subdivision does not prohibit the operator of a
2 vehicle utilized for snow or ice removal under section 682c that is
3 equipped with flashing, rotating, or oscillating amber lights from
4 activating the flashing, rotating, or oscillating amber lights when
5 that vehicle is traveling between locations at which it is being
6 utilized for snow or ice removal.

7 (g) A vehicle engaged in leading or escorting a funeral
8 procession or any vehicle that is part of a funeral procession may
9 be equipped with flashing, rotating, or oscillating purple or amber
10 lights that must not be activated except during a funeral
11 procession.

12 (h) An authorized emergency vehicle may display flashing,
13 rotating, or oscillating white lights in conjunction with an
14 authorized emergency light as prescribed in this section.

15 (i) A private motor vehicle of a physician responding to an
16 emergency call may be equipped with and the physician may use
17 flashing, rotating, or oscillating red lights mounted on the roof
18 section of the vehicle either as a permanent installation or by
19 means of magnets or suction cups and clearly visible in a 360-
20 degree arc from a distance of 500 feet when in use. The physician
21 ~~shall~~**must** first obtain written authorization from the county
22 sheriff.

23 (j) A public transit vehicle may be equipped with a flashing,
24 ~~oscillating, rotating,~~ or ~~rotating~~**oscillating** light mounted on the
25 roof of the vehicle approximately 6 feet from the rear of the
26 vehicle that displays a white light to the front, side, and rear of
27 the vehicle, which light may be actuated by the driver for use only
28 in inclement weather such as fog, rain, or snow, when boarding or
29 discharging passengers, from 1/2 hour before sunset until 1/2 hour

1 after sunrise, or when conditions hinder the visibility of the
2 public transit vehicle. As used in this subdivision, "public
3 transit vehicle" means a motor vehicle, other than a station wagon
4 or passenger van, with a gross vehicle weight rating of more than
5 10,000 pounds.

6 (k) A person engaged in the manufacture, sale, or repair of
7 flashing, rotating, or oscillating lights governed by this
8 subsection may possess the lights for the purpose of employment ~~7~~
9 but shall not activate the lights ~~upon the~~ **on a** highway unless
10 authorized to do so under subsection (6).

11 (l) A vehicle used as part of a neighborhood watch program may
12 be equipped with flashing, rotating, or oscillating amber lights,
13 if the vehicle is clearly identified as a neighborhood watch
14 vehicle and the neighborhood watch program is working in
15 cooperation with local law enforcement. The lights ~~described in~~
16 ~~this subdivision~~ must not be activated when the vehicle is not
17 being used to perform neighborhood watch program duties.

18 **(m) An authorized emergency vehicle owned by the Michigan**
19 **Mutual Aid Box Alarm System and operated as part of an emergency**
20 **response may be equipped with flashing, rotating, or oscillating**
21 **red, white, amber, or green lights.**

22 (6) A person shall not sell, loan, or otherwise furnish a
23 flashing, rotating, or oscillating blue or red light designed
24 primarily for installation on an authorized emergency vehicle to a
25 person except a police officer, sheriff, deputy sheriff, authorized
26 physician, volunteer or paid fire fighter, volunteer ambulance
27 driver, licensed ambulance driver or attendant of this state, a
28 county or municipality within this state, a person engaged in the
29 business of operating an ambulance or wrecker service, ~~or a~~

1 federally recognized nonprofit charitable organization that owns
 2 and operates an emergency support vehicle used exclusively for
 3 emergencies, **or the Michigan Mutual Aid Box Alarm System**. This
 4 subsection does not prohibit an authorized emergency vehicle ~~7~~
 5 equipped with flashing, rotating, or oscillating blue or red lights
 6 ~~7~~ from being operated by a person other than a person described in
 7 this section if the person receives authorization to operate the
 8 authorized emergency vehicle from a police officer, sheriff, deputy
 9 sheriff, authorized physician, volunteer or paid fire fighter,
 10 volunteer ambulance driver, licensed ambulance driver or attendant,
 11 a person operating an ambulance or wrecker service, ~~or~~ a federally
 12 recognized nonprofit charitable organization that owns and operates
 13 an emergency support vehicle used exclusively for emergencies, **or**
 14 **the Michigan Mutual Aid Box Alarm System**, except that the
 15 authorization must not permit the person to operate lights as
 16 described in subsection (5) (a), (b), (c), (i), ~~or (j)~~, **or (m)**, or
 17 to exercise the privileges described in section 603.

18 (7) A private motor vehicle of a security guard agency or
 19 alarm company licensed under the private security business and
 20 security alarm act, 1968 PA 330, MCL 338.1051 to 338.1092, may
 21 display flashing, rotating, or oscillating amber lights. The
 22 ~~flashing, rotating, or oscillating amber lights~~ must not be
 23 activated on a public highway when ~~a~~ **the** vehicle is in motion.

24 (8) This section does not prohibit, restrict, or limit the use
 25 of lights authorized or required under sections 697, 697a, and
 26 698a.

27 (9) A person who operates a vehicle in violation of this
 28 section is responsible for a civil infraction. ~~and shall be ordered~~
 29 ~~to pay a civil fine of not more than \$100.00.~~

1 Enacting section 1. This amendatory act does not take effect
2 unless Senate Bill No. _____ or House Bill No. 5342 (request no.
3 03741'23) of the 102nd Legislature is enacted into law.

HOUSE BILL NO. 5342

November 14, 2023, Introduced by Reps. Shannon, BeGole, Mueller, Borton, Kuhn, Kunse, Martin, Roth, Bezotte, McKinney, Slagh, Wozniak, Beson, Schmaltz, Thompson, Zorn, Neyer, Markkanen, Alexander, Phil Green and Outman and referred to the Committee on Transportation, Mobility and Infrastructure.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 312e (MCL 257.312e), as amended by 2022 PA 193.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 312e. (1) Except as otherwise provided in this section,
2 an individual, before operating a commercial motor vehicle, shall
3 obtain the required vehicle group designation as follows:

4 (a) An individual, before operating a combination of motor
5 vehicles with a gross combination weight rating or gross
6 combination weight of 26,001 pounds or more, whichever is greater,
7 inclusive of towed units with a gross vehicle weight rating or

1 gross vehicle weight of more than 10,000 pounds, shall procure a
2 group A vehicle designation on ~~his or her~~ **the individual's**
3 operator's or chauffeur's license. Unless an endorsement or the
4 removal of restrictions is required, an individual licensed to
5 operate a group A vehicle may operate a group B or C vehicle
6 without taking another test.

7 (b) An individual, before operating a single vehicle having a
8 gross vehicle weight rating or gross vehicle weight of 26,001
9 pounds or more, whichever is greater, including while towing a
10 vehicle having a gross vehicle weight rating or gross vehicle
11 weight of not more than 10,000 pounds, shall procure a group B
12 vehicle designation on ~~his or her~~ **the individual's** operator's or
13 chauffeur's license. Unless an endorsement or the removal of
14 restrictions is required, an individual licensed to operate a group
15 B vehicle may operate a group C vehicle without taking another
16 test.

17 (c) An individual, before operating a single vehicle or a
18 combination of vehicles that fits the definition of small vehicle
19 (group C) under 49 CFR 383.91(a)(3), shall procure a group C
20 vehicle designation and a hazardous material or passenger vehicle
21 endorsement on ~~his or her~~ **the individual's** operator's or
22 chauffeur's license.

23 (2) An applicant for a vehicle group designation shall take
24 knowledge and driving skills tests that comply with minimum federal
25 standards prescribed in 49 CFR part 383 as required under this act
26 and, beginning February 7, 2022, complete the entry level driver
27 training described and required under 49 CFR part 380.

28 (3) The license must be issued, suspended, revoked, canceled,
29 or renewed in accordance with this act.

1 (4) Except as provided in this subsection, all of the
2 following apply:

3 (a) If an individual operates a group B passenger vehicle
4 while taking ~~his or her~~ **the individual's** driving skills test for a
5 P endorsement, ~~he or she~~ **the individual** is restricted to operating
6 only group B or C passenger vehicles under that P endorsement. If
7 an individual operates a group B school bus while taking ~~his or her~~
8 **the individual's** driving skills test for an S endorsement, ~~he or~~
9 ~~she~~ **the individual** is restricted to operating only group B or C
10 school buses under that S endorsement. Except as provided in this
11 section, beginning July 8, 2015, the secretary of state shall place
12 on the commercial learner's permit or commercial driver license the
13 following restriction code as provided under 49 CFR 383.95 and
14 383.153: not valid to operate a group A passenger commercial motor
15 vehicle.

16 (b) If an individual operates a group C passenger vehicle
17 while taking ~~his or her~~ **the individual's** driving skills test for a
18 P endorsement, ~~he or she~~ **the individual** is restricted to operating
19 only group C passenger vehicles under that P endorsement. If an
20 individual operates a group C school bus while taking ~~his or her~~
21 **the individual's** driving skills test for an S endorsement, ~~he or~~
22 ~~she~~ **the individual** is restricted to operating only group C school
23 buses under that S endorsement. Except as provided in this section,
24 beginning July 8, 2015, the secretary of state shall place on the
25 commercial learner's permit or commercial driver license the
26 following restriction code as provided under 49 CFR 383.95 and
27 383.153: not valid to operate a group A or group B passenger
28 commercial motor vehicle.

29 (c) An individual who fails the air brake portion of the

1 written or driving skills test provided under section 312f or who
2 takes the driving skills test provided under that section in a
3 commercial motor vehicle that is not equipped with air brakes shall
4 not operate a commercial motor vehicle equipped with air brakes.
5 Except as provided in this section, beginning July 8, 2015, the
6 secretary of state shall place on the commercial learner's permit
7 or commercial driver license the following restriction code as
8 provided under 49 CFR 383.95 and 383.153: CDL not valid for vehicle
9 with air brakes.

10 (d) Except as provided in this section, beginning July 8,
11 2015, the secretary of state shall place on a commercial learner's
12 permit or commercial driver license the following restriction codes
13 as provided under 49 CFR 383.95 and 383.153:

14 (i) For a commercial learner's permit:

15 (A) No passengers in a commercial motor vehicle bus.

16 (B) No cargo in a commercial motor vehicle tank vehicle.

17 (C) Commercial motor vehicle operation with medical variance.

18 (D) Commercial motor vehicle operation intrastate only.

19 (ii) For a commercial driver license:

20 (A) Not valid to operate commercial motor vehicle equipped
21 with full air brakes.

22 (B) Not valid to operate commercial motor vehicle equipped
23 with manual transmission.

24 (C) Not valid to operate a group A commercial vehicle tractor-
25 trailer combination connected by fifth wheel.

26 (D) Commercial motor vehicle operation intrastate only.

27 (E) Commercial motor vehicle operation with medical variance.

28 (5) An individual, before operating a commercial motor
29 vehicle, shall obtain the following vehicle endorsements as

1 provided under 49 CFR 383.93 and 383.153:

2 (a) An individual, before operating a commercial motor vehicle
3 pulling double trailers, shall obtain the appropriate vehicle group
4 designation and a T vehicle endorsement under this act.

5 (b) An individual applying for a commercial learner's permit
6 to operate an empty tank motor vehicle shall obtain the appropriate
7 vehicle group designation and an N endorsement. An individual,
8 before operating a tank motor vehicle, shall have on a commercial
9 driver license the appropriate vehicle group designation and an N
10 vehicle endorsement under this act.

11 (c) Until February 6, 2022, an individual, before operating a
12 commercial motor vehicle carrying hazardous materials on which a
13 placard is required under 49 CFR parts 100 to 199, shall procure
14 the appropriate vehicle group designation and an H vehicle
15 endorsement under this act. Beginning February 7, 2022, an
16 individual, before operating a commercial motor vehicle carrying
17 hazardous materials on which a placard is required under 49 CFR
18 parts 100 to 199, shall complete the entry level driver training
19 described and required under 49 CFR part 380 to procure the
20 appropriate vehicle group designation and an H vehicle endorsement
21 under this act.

22 (d) An individual, before operating a tank motor vehicle
23 carrying hazardous materials, shall obtain the appropriate vehicle
24 group designation and both an N and H vehicle endorsement, which
25 must be designated by the code letter X on the individual's
26 operator's or chauffeur's license.

27 (e) An individual applying for a commercial learner's permit
28 to operate a passenger commercial motor vehicle that is not a
29 school bus, as set forth in section 306a(2)(e), shall obtain the

1 appropriate commercial vehicle group designation and a P
2 endorsement. An individual, before operating a vehicle that is
3 designed to transport 16 or more passengers including the driver
4 but that is not a school bus must have on a commercial driver
5 license the appropriate vehicle group designation and a P vehicle
6 endorsement under this act. An applicant for a P vehicle
7 endorsement must take the driving skills test in a vehicle designed
8 to transport 16 or more passengers including the driver and,
9 beginning February 7, 2022, complete the entry level driver
10 training described and required under 49 CFR part 380.

11 (f) An individual applying for a commercial learner's permit
12 to operate a school bus designed to transport 16 or more
13 passengers, including the driver, as set forth in section
14 306a(2)(e), who does not currently possess a P endorsement, shall
15 obtain the appropriate vehicle group designation and pass the
16 knowledge tests for both the P and S endorsements. An individual,
17 before operating a school bus, must have on a commercial driver
18 license the appropriate vehicle group designation and both the P
19 and S vehicle endorsements under this act. An applicant for an S
20 vehicle endorsement shall take a driving skills test in a school
21 bus designed to transport 16 or more passengers, including the
22 driver, that represents the same type of vehicle that the applicant
23 intends to operate as a school bus and, beginning February 7, 2022,
24 complete the entry level driver training described and required
25 under 49 CFR part 380.

26 (g) An individual who currently possesses a P endorsement and
27 is applying for a commercial learner's permit to operate a school
28 bus designed to transport 16 or more passengers, including the
29 driver, as set forth in section ~~306(a)(2)(e)~~, **306a(2)(e)**, shall

1 obtain the appropriate vehicle group designation and pass the
2 knowledge test for the S endorsement. An individual who currently
3 possesses a P endorsement, before operating a school bus designed
4 to transport 16 or more passengers, including the driver, shall
5 obtain the appropriate vehicle group designation, pass the
6 knowledge test for an S endorsement, and obtain an S vehicle
7 endorsement for ~~his or her~~ **the individual's** commercial driver
8 license under this act. An applicant for an S vehicle endorsement
9 shall take a driving skills test in a school bus designed to
10 transport 16 or more passengers, including the driver, that
11 represents the same type of vehicle that the applicant intends to
12 operate as a school bus and, beginning February 7, 2022, complete
13 the entry level driver training described and required under 49 CFR
14 part 380.

15 (6) An applicant for an endorsement shall take the knowledge
16 and driving skills tests described and required under 49 CFR part
17 383 and, beginning February 7, 2022, complete the entry level
18 driver training described and required under 49 CFR part 380.

19 (7) The holder of an unexpired operator's or chauffeur's
20 license may be issued a vehicle group designation and endorsement
21 valid for the remainder of the license upon meeting the
22 qualifications of section 312f, ~~and~~ payment of the original vehicle
23 group designation fee of \$25.00, ~~and~~ an endorsement fee of \$5.00
24 per endorsement, and a corrected license fee of \$18.00. An
25 individual required to procure an F vehicle endorsement under
26 subsection (9) shall pay an endorsement fee of \$5.00.

27 (8) Except as otherwise provided in subsections (9) and (10),
28 this section does not apply to a driver or operator of a vehicle
29 under all of the following conditions:

1 (a) The vehicle is controlled and operated by a farmer or an
2 employee or family member of the farmer.

3 (b) The vehicle is used to transport agricultural products,
4 farm machinery, farm supplies, or a combination of ~~these~~**those**
5 items, to or from a farm.

6 (c) The vehicle is not used in the operation of a common or
7 contract motor carrier.

8 (d) The vehicle is operated within 150 miles of the farm.

9 (9) An individual, before driving or operating a combination
10 of vehicles having a gross vehicle weight rating of 26,001 pounds
11 or more on the power unit that is used as described in subsection
12 (8) (a) to (d), shall obtain an F vehicle endorsement. The F vehicle
13 endorsement must be issued upon successful completion of a
14 knowledge test only.

15 (10) An individual, before driving or operating a single
16 vehicle truck having a gross vehicle weight rating of 26,001 pounds
17 or more or a combination of vehicles having a gross vehicle weight
18 rating of 26,001 pounds or more on the power unit that is used as
19 described in subsection (8) (a) to (d) for carrying hazardous
20 materials on which a placard is required under 49 CFR parts 100 to
21 199, shall successfully complete both a knowledge test and a
22 driving skills test. Upon successful completion of the knowledge
23 test and driving skills test, the individual ~~shall~~**must** be issued
24 the appropriate vehicle group designation and any vehicle
25 endorsement necessary under this act.

26 (11) This section does not apply to **the following individuals:**

27 (a) ~~a~~**A** police officer operating an authorized emergency
28 vehicle. ~~or to a~~

29 (b) **A firefighter or Michigan Mutual Aid Box Alarm System**

1 **employee or member who is** operating an authorized emergency vehicle
2 ~~who~~**and** has met the driver training standards published under the
3 firefighters training council act, 1966 PA 291, MCL 29.361 to
4 29.377.

5 (12) This section does not apply to an individual operating a
6 vehicle used exclusively to transport personal possessions or
7 family members for nonbusiness purposes.

8 (13) The money collected under subsection (7) for a vehicle
9 group designation or endorsement must be deposited in the state
10 treasury to the credit of the general fund. The secretary of state
11 shall refund out of the fees collected to each county or
12 municipality acting as an examining officer or examining bureau
13 \$3.00 for each applicant examined for a first designation or
14 endorsement to an operator's or chauffeur's license and \$1.50 for
15 each renewal designation or endorsement to an operator's or
16 chauffeur's license, whose application is not denied, on the
17 condition that the money refunded must be paid to the county or
18 local treasurer and is appropriated to the county, municipality, or
19 officer or bureau receiving that money for the purpose of carrying
20 out this act.

21 (14) Notwithstanding any other provision of this section, an
22 individual operating a vehicle described in subsections (8) and (9)
23 is subject to the provisions of sections 303 and 319b.

24 (15) This state shall comply with the requirements of the
25 American Association of Motor Vehicle Administrators' AAMVANet,
26 Incorporated's "Commercial Driver License Information System
27 (CDLIS) State Procedures Manual" that the secretary of state
28 determines are required ~~for implementing~~ **to implement** and ~~enforcing~~
29 **enforce** federal law.

1 Enacting section 1. This amendatory act does not take effect
2 unless Senate Bill No. _____ or House Bill No. 5341 (request no.
3 02210'23) of the 102nd Legislature is enacted into law.

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4520

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending sections 81 and 81a (MCL 750.81 and 750.81a), section
81 as amended by 2016 PA 87 and section 81a as amended by 2012 PA
366.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 81. (1) Except as otherwise provided in this section, a
2 person who assaults or assaults and batters an individual, if no
3 other punishment is prescribed by law, is guilty of a misdemeanor
4 punishable by imprisonment for not more than 93 days or a fine of
5 not more than \$500.00, or both. **If the victim of a violation under**
6 **this subsection is a health professional or medical volunteer and**
7 **the violation occurs while the victim is performing the victim's**

1 duties as a health professional or medical volunteer, the person is
2 guilty of a misdemeanor punishable by imprisonment for not more
3 than 93 days or a fine of not more than \$1,000.00, or both. The
4 enhanced fine under this subsection does not apply if the defendant
5 is a patient who is receiving treatment from the victim.

6 (2) Except as provided in subsection (3), (4), or (5), an
7 individual who assaults or assaults and batters ~~his or her~~ **the**
8 **individual's** spouse or former spouse, an individual with whom ~~he or~~
9 ~~she~~ **the individual** has or has had a dating relationship, an
10 individual with whom ~~he or she~~ **the individual** has had a child in
11 common, or a resident or former resident of ~~his or her~~ **the**
12 **individual's** household, is guilty of a misdemeanor punishable by
13 imprisonment for not more than 93 days or a fine of not more than
14 \$500.00, or both.

15 (3) An individual who assaults or assaults and batters an
16 individual who is pregnant and who knows the individual is pregnant
17 is guilty of a misdemeanor punishable by imprisonment for not more
18 than 93 days or a fine of not more than \$500.00, or both.

19 (4) An individual who commits an assault or an assault and
20 battery in violation of subsection (2) or (3), and who has
21 previously been convicted of assaulting or assaulting and battering
22 an individual described in either subsection (2) or subsection (3)
23 under any of the following, is guilty of a misdemeanor punishable
24 by imprisonment for not more than 1 year or a fine of not more than
25 \$1,000.00, or both:

26 (a) This section or an ordinance of a political subdivision of
27 this state substantially corresponding to this section.

28 (b) Section 81a, 82, 83, 84, or 86.

29 (c) A law of another state or an ordinance of a political

1 subdivision of another state substantially corresponding to this
2 section or section 81a, 82, 83, 84, or 86.

3 (5) An individual who commits an assault or an assault and
4 battery in violation of subsection (2) or (3), and who has 2 or
5 more previous convictions for assaulting or assaulting and
6 battering an individual described in either subsection (2) or
7 subsection (3) under any of the following, is guilty of a felony
8 punishable by imprisonment for not more than 5 years or a fine of
9 not more than \$5,000.00, or both:

10 (a) This section or an ordinance of a political subdivision of
11 this state substantially corresponding to this section.

12 (b) Section 81a, 82, 83, 84, or 86.

13 (c) A law of another state or an ordinance of a political
14 subdivision of another state substantially corresponding to this
15 section or section 81a, 82, 83, 84, or 86.

16 (6) This section does not apply to an individual using
17 necessary reasonable physical force in compliance with section 1312
18 of the revised school code, 1976 PA 451, MCL 380.1312.

19 **(7) The operator of a health facility or agency or a hospital**
20 **or psychiatric hospital shall post a sign in the health facility or**
21 **agency or hospital or psychiatric hospital in a prominent and**
22 **visible location that provides that a person, other than a patient**
23 **receiving treatment, who assaults a health professional or medical**
24 **volunteer in violation of this section is subject to the enhanced**
25 **fine provided for in this section and that a patient receiving**
26 **treatment who assaults a health professional or medical volunteer**
27 **may still be subject to prosecution under this section.**

28 (8) ~~(7)~~—As used in this section: ~~,"dating~~

29 (a) **"Dating relationship"** means frequent, intimate

1 associations primarily characterized by the expectation of
2 affectional involvement. This term does not include a casual
3 relationship or an ordinary fraternization between 2 individuals in
4 a business or social context.

5 (b) "Health facility or agency" means a health facility or
6 agency licensed under article 17 of the public health code, 1978 PA
7 368, MCL 333.20101 to 333.22260.

8 (c) "Health professional" means an individual who is employed
9 or granted privileges by or under contract with a hospital or
10 psychiatric hospital, health facility or agency, health system, or
11 health care provider, whether operated by a governmental unit or a
12 private entity, and whose duties within the scope of that
13 employment, privilege, or contract involve the provision of direct
14 patient care and require licensure, registration, certification, or
15 other regulation or authorization under the public health code,
16 1978 PA 368, MCL 333.1101 to 333.25211, or who is providing
17 indirect patient care under the direction of a hospital or
18 psychiatric hospital, health facility or agency, health system, or
19 health care provider.

20 (d) "Hospital or psychiatric hospital" means a hospital or
21 psychiatric hospital licensed under the mental health code, 1974 PA
22 258, MCL 330.1001 to 330.2106.

23 (e) "Medical volunteer" means an individual who is
24 volunteering at a hospital or psychiatric hospital, health facility
25 or agency, in a health system, or with a health care provider,
26 whether operated by a governmental unit or a private entity, and
27 whose duties as a volunteer involve the provision of direct patient
28 care, or who is providing indirect patient care under the direction
29 of a hospital or psychiatric hospital, health facility or agency,

1 **health system, or health care provider.**

2 Sec. 81a. (1) Except as otherwise provided in this section, a
 3 person who assaults an individual without a weapon and inflicts
 4 serious or aggravated injury upon that individual without intending
 5 to commit murder or to inflict great bodily harm less than murder
 6 is guilty of a misdemeanor punishable by imprisonment for not more
 7 than 1 year or a fine of not more than \$1,000.00, or both. **If the**
 8 **victim of a violation under this subsection is a health**
 9 **professional or medical volunteer and the violation occurs while**
 10 **the victim is performing the victim's duties as a health**
 11 **professional or medical volunteer, the person is guilty of a**
 12 **misdemeanor punishable by imprisonment for not more than 1 year or**
 13 **a fine of not more than \$2,000.00, or both. The enhanced fine under**
 14 **this subsection does not apply if the defendant is a patient who is**
 15 **receiving treatment from the victim.**

16 (2) Except as provided in subsection (3), an individual who
 17 assaults ~~his or her~~ **the individual's** spouse or former spouse, an
 18 individual with whom ~~he or she~~ **the individual** has or has had a
 19 dating relationship, an individual with whom ~~he or she~~ **the**
 20 **individual** has had a child in common, or a resident or former
 21 resident of the same household without a weapon and inflicts
 22 serious or aggravated injury upon that individual without intending
 23 to commit murder or to inflict great bodily harm less than murder
 24 is guilty of a misdemeanor punishable by imprisonment for not more
 25 than 1 year or a fine of not more than \$1,000.00, or both.

26 (3) An individual who commits an assault and battery in
 27 violation of subsection (2), and who has 1 or more previous
 28 convictions for assaulting or assaulting and battering ~~his or her~~
 29 **the individual's** spouse or former spouse, an individual with whom

1 ~~he or she~~**the individual** has or has had a dating relationship, an
2 individual with whom ~~he or she~~**the individual** has had a child in
3 common, or a resident or former resident of the same household, in
4 violation of any of the following, is guilty of a felony punishable
5 by imprisonment for not more than 5 years or a fine of not more
6 than \$5,000.00, or both:

7 (a) This section or an ordinance of a political subdivision of
8 this state substantially corresponding to this section.

9 (b) Section 81, 82, 83, 84, or 86.

10 (c) A law of another state or an ordinance of a political
11 subdivision of another state substantially corresponding to this
12 section or section 81, 82, 83, 84, or 86.

13 **(4) The operator of a health facility or agency or a hospital**
14 **or psychiatric hospital shall post a sign in the health facility or**
15 **agency or hospital or psychiatric hospital in a prominent and**
16 **visible location that provides that a person, other than a patient**
17 **receiving treatment, who assaults a health professional or medical**
18 **volunteer in violation of this section is subject to the enhanced**
19 **fine provided for in this section and that a patient receiving**
20 **treatment who assaults a health professional or medical volunteer**
21 **may still be subject to prosecution under this section.**

22 (5) ~~(4)~~As used in this section: ~~,"dating~~

23 (a) **"Dating relationship"** means frequent, intimate
24 associations primarily characterized by the expectation of
25 affectional involvement. This term does not include a casual
26 relationship or an ordinary fraternization between 2 individuals in
27 a business or social context.

28 (b) **"Health facility or agency"** means a health facility or
29 agency licensed under article 17 of the public health code, 1978 PA

1 368, MCL 333.20101 to 333.22260.

2 (c) "Health professional" means an individual who is employed
3 or granted privileges by or under contract with a hospital or
4 psychiatric hospital, health facility or agency, health system, or
5 health care provider, whether operated by a governmental unit or a
6 private entity, and whose duties within the scope of that
7 employment, privilege, or contract involve the provision of direct
8 patient care and require licensure, registration, certification, or
9 other regulation or authorization under the public health code,
10 1978 PA 368, MCL 333.1101 to 333.25211, or who is providing
11 indirect patient care under the direction of a hospital or
12 psychiatric hospital, health facility or agency, health system, or
13 health care provider.

14 (d) "Hospital or psychiatric hospital" means a hospital or
15 psychiatric hospital licensed under the mental health code, 1974 PA
16 258, MCL 330.1001 to 330.2106.

17 (e) "Medical volunteer" means an individual who is
18 volunteering at a hospital or psychiatric hospital, health facility
19 or agency, in a health system, or with a health care provider,
20 whether operated by a governmental unit or a private entity, and
21 whose duties as a volunteer involve the provision of direct patient
22 care, or who is providing indirect patient care under the direction
23 of a hospital or psychiatric hospital, health facility or agency,
24 health system, or health care provider.

25 Enacting section 1. This amendatory act takes effect 90 days
26 after the date it is enacted into law.

27 Enacting section 2. This amendatory act does not take effect
28 unless House Bill No. 4521 of the 102nd Legislature is enacted into
29 law.

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4521

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 82 (MCL 750.82), as amended by 1994 PA 158.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 82. (1) Except as **otherwise** provided in **this subsection**
2 **or** subsection (2), a person who assaults another person with a gun,
3 revolver, pistol, knife, iron bar, club, brass knuckles, or other
4 dangerous weapon without intending to commit murder or to inflict
5 great bodily harm less than murder is guilty of a felony punishable
6 by imprisonment for not more than 4 years or a fine of not more
7 than \$2,000.00, or both. **If the victim of a violation under this**
8 **subsection is a health professional or medical volunteer and the**
9 **violation occurs while the victim is performing the victim's duties**

1 as a health professional or medical volunteer, the person is guilty
2 of a felony punishable by imprisonment for not more than 4 years or
3 a fine of not more than \$4,000.00, or both. The enhanced fine under
4 this subsection does not apply if the defendant is a patient who is
5 receiving treatment from the victim.

6 (2) A person who violates subsection (1) in a weapon free
7 school zone is guilty of a felony punishable by 1 or more of the
8 following:

9 (a) Imprisonment for not more than 4 years.

10 (b) Community service for not more than 150 hours.

11 (c) A fine of not more than \$6,000.00.

12 (3) The operator of a health facility or agency or a hospital
13 or psychiatric hospital shall post a sign in the health facility or
14 agency or hospital or psychiatric hospital in a prominent and
15 visible location that provides that a person, other than a patient
16 receiving treatment, who assaults a health professional or medical
17 volunteer in violation of this section is subject to the enhanced
18 fine as provided for in this section and that a patient receiving
19 treatment who assaults a health professional or medical volunteer
20 may still be subject to prosecution under this section.

21 (4) ~~(3)~~As used in this section:

22 (a) "Health facility or agency" means a health facility or
23 agency licensed under article 17 of the public health code, 1978 PA
24 368, MCL 333.20101 to 333.22260.

25 (b) "Health professional" means an individual who is employed
26 or granted privileges by or under contract with a hospital or
27 psychiatric hospital, health facility or agency, health system, or
28 health care provider, whether operated by a governmental unit or a
29 private entity, and whose duties within the scope of that

1 employment, privilege, or contract involve the provision of direct
2 patient care and require licensure, registration, certification, or
3 other regulation or authorization under the public health code,
4 1978 PA 368, MCL 333.1101 to 333.25211, or who is providing
5 indirect patient care under the direction of a hospital or
6 psychiatric hospital, health facility or agency, health system, or
7 health care provider.

8 (c) "Hospital or psychiatric hospital" means a hospital or
9 psychiatric hospital licensed under the mental health code, 1974 PA
10 258, MCL 330.1001 to 330.2106.

11 (d) "Medical volunteer" means an individual who is
12 volunteering at a hospital or psychiatric hospital, health facility
13 or agency, in a health system, or with a health care provider,
14 whether operated by a governmental unit or a private entity, and
15 whose duties as a volunteer involve the provision of direct patient
16 care, or who is providing indirect patient care under the direction
17 of a hospital or psychiatric hospital, health facility or agency,
18 health system, or health care provider.

19 (e) ~~(a)~~—"School" means a public, private, denominational, or
20 parochial school offering developmental kindergarten, kindergarten,
21 or any grade from 1 through 12.

22 (f) ~~(b)~~—"School property" means a building, playing field, or
23 property used for school purposes to impart instruction to children
24 or used for functions and events sponsored by a school, except a
25 building used primarily for adult education or college extension
26 courses.

27 (g) ~~(c)~~—"Weapon free school zone" means school property and a
28 vehicle used by a school to transport students to or from school
29 property.

1 Enacting section 1. This amendatory act takes effect 90 days
2 after the date it is enacted into law.

3 Enacting section 2. This amendatory act does not take effect
4 unless House Bill No. 4520 of the 102nd Legislature is enacted into
5 law.

EMS Related Legislation

Bill	Year	Status	Subject Matter	Date of Last Action	EMS CC Position	Level
SB 249	2023	Passed Senate; House Health Policy	State Paramedic Exam	11/02/2023	Support	State
SB 627, 628, 629	2023	Senate Committee on Housing and Human Services	Safe Delivery of Newborns	11/01/2023	Oppose	State
HB 4613 & 4614	2023	House Floor	Temporary EMS License	10/24/2023	Support	State
SB 589	2023	Senate Health Policy	Creation of Violence Prevention Program	10/17/2023	Oppose	State
HB 5079	2023	House Committee on Insurance and Financial Services	Ambulance Transport of Retired Police Dog	10/03/2023	Oppose	State
HB 5080	2023	House Committee on Insurance and Financial Services	Eliminate CON for Air Ambulance	10/03/2023	Support	State
HB 5072	2023	House Government Operations	Storage of Medical Records	09/28/2023	Pending	State
HB 4922	2023	House Committee on Insurance and Financial Services	Surprise Billings	07/20/2023	Oppose	State
SB 69 & 71	2023	Signed by the Governor - PA 60 & 62 of 2023	Vaginal & Anal Penetration	07/18/2023	Support	State
HB 4358	2023	House Labor	Disclosure of a Weapon to EMS	04/11/2023	Support	State
SB 145 & 146	2023	Senate Committee on Veterans and Emergency Services	Communication Modernatization	03/07/2023	Oppose	State
SB 28	2023	Senate Health Policy	Restraints	01/18/2023	Pending	State