



## EMSCC LEGISLATIVE SUBCOMMITTEE

### AGENDA

March 11, 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 – January 8, 2024 Tab 1
- III. Current Legislation Review
  - A. HB 5407 – Baby Drop Box Tab 2
  - B. EMS Carry and Administer Emergency Contraception - Draft Tab 3
  - C. SB 734 – Remove EMS Act Language on Health & Safety Protocols Tab 4
  - D. HB 5527, 5528– Cardiac Response Plan for Schools Tab 5a-b
  - E. HB 5526 – Refusal to Photocopy Drivers License Tab 6
  - F.
- III. Other Business
  - A. Legislative Tracking Sheet Tab 7
- IV. Adjourn

# HOUSE BILL NO. 5407

January 23, 2024, Introduced by Reps. Bruck, Maddock, Alexander, Bierlein, Jaime Greene, Johnsen, Kunse, Phil Green, Fox and Wozniak and referred to the Committee on Families, Children and Seniors.

A bill to amend 1939 PA 288, entitled "Probate code of 1939," by amending sections 1, 2, 3, 5, and 17 of chapter XII (MCL 712.1, 712.2, 712.3, 712.5, and 712.17), sections 1 and 3 as amended by 2006 PA 488, sections 2 and 5 as added by 2000 PA 232, and section 17 as amended by 2010 PA 348, and by adding sections 3a and 3b to chapter XII.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

**1**           Sec. 1. (1) This chapter ~~shall be known and~~ may be cited as  
**2** the "safe delivery of newborns law".

1 (2) As used in this chapter:

2 (a) "Baby drop box" means a protective container in which a  
3 parent may anonymously place and surrender the parent's newborn as  
4 provided under section 3b.

5 (b) ~~(a)~~—"Child placing agency" means that term as defined in  
6 section 1 of 1973 PA 116, MCL 722.111.

7 (c) ~~(b)~~—"Court" means the family division of circuit court.

8 (d) ~~(e)~~—"Department" means the department of **health and** human  
9 services.

10 (e) ~~(d)~~—"DNA identification profile" and "DNA identification  
11 profiling" mean those terms as defined in section 1 of the  
12 paternity act, 1956 PA 205, MCL 722.711.

13 (f) ~~(e)~~—"Domestic violence" means that term as defined in  
14 section 1 of 1978 PA 389, MCL 400.1501.

15 (g) ~~(f)~~—"Emergency service provider" means a uniformed or  
16 otherwise identified employee or contractor of a fire department,  
17 hospital, or police station when that individual is inside the  
18 premises and on duty. Emergency service provider also includes a  
19 paramedic or an emergency medical technician when either of those  
20 individuals is responding to a 9-1-1 emergency call.

21 (h) ~~(g)~~—"Fire department" means an organized fire department  
22 as that term is defined in section 1 of the fire prevention code,  
23 1941 PA 207, MCL 29.1.

24 (i) ~~(h)~~—"Gross negligence" means conduct so reckless as to  
25 demonstrate a substantial lack of concern for whether an injury  
26 results.

27 (j) ~~(i)~~—"Hospital" means a hospital that is licensed under  
28 ~~article 17~~ **part 215** of the public health code, 1978 PA 368, MCL  
29 ~~333.20101 to 333.22260~~ **333.21501 to 333.21571**.

1           (k) ~~(j)~~—"Lawyer-guardian ad litem" means an attorney appointed  
2 under section 2 of this chapter. A lawyer-guardian ad litem  
3 represents the newborn, and has the powers and duties, as set forth  
4 in section 17d of chapter XIIIA.

5           (l) ~~(k)~~—"Newborn" means a child who a physician reasonably  
6 believes to be not more than 72 hours old.

7           (m) ~~(l)~~—"Police station" means that term as defined in section  
8 43 of the Michigan vehicle code, 1949 PA 300, MCL 257.43.

9           (n) ~~(m)~~—"Preplacement assessment" means an assessment of a  
10 prospective adoptive parent as described in section 23f of chapter  
11 X.

12           (o) ~~(n)~~—"Surrender" means to leave a newborn with an emergency  
13 service provider without expressing an intent to return for the  
14 newborn.

15           Sec. 2. (1) The court has jurisdiction over a newborn who is  
16 surrendered to an emergency service provider as provided in section  
17 3 of this chapter **and a newborn who is surrendered to a baby drop**  
18 **box under section 3b of this chapter.** The court may appoint a  
19 lawyer-guardian ad litem to represent a newborn in proceedings  
20 under this chapter.

21           (2) Except as provided in section 5 of this chapter, the  
22 reporting requirement of section 3 of the child protection law,  
23 1975 PA 238, MCL 722.623, does not apply regarding a child  
24 surrendered to an emergency service provider as provided in section  
25 3 of this chapter **or to a newborn who is surrendered to a baby drop**  
26 **box under section 3b of this chapter.**

27           (3) Unless this chapter specifically provides otherwise, a  
28 provision in another chapter of this act does not apply to a  
29 proceeding under this chapter. Unless this chapter specifically

1 provides otherwise, the child custody act of 1970, 1970 PA 91, MCL  
2 722.21 to ~~722.30~~, **722.31**, does not apply to a proceeding under this  
3 chapter.

4 (4) A hospital and a child placing agency, and their agents  
5 and employees, are immune in a civil action for damages for an act  
6 or omission in accepting or transferring a newborn under this  
7 chapter, except for an act or omission constituting gross  
8 negligence or willful or wanton misconduct. To the extent not  
9 protected by the immunity conferred by 1964 PA 170, MCL 691.1401 to  
10 ~~691.1415~~, **691.1419**, an employee or contractor of a fire department  
11 or police station has the same immunity that this subsection  
12 provides to a hospital's or child placing agency's agent or  
13 employee.

14 Sec. 3. (1) If a parent surrenders a child who may be a  
15 newborn to an emergency service provider, the emergency service  
16 provider shall comply with the requirements of this section under  
17 the assumption that the child is a newborn. The emergency service  
18 provider shall, without a court order, immediately accept the  
19 newborn, taking the newborn into temporary protective custody. ~~The~~  
20 **Except for a newborn surrendered to a baby drop box under section**  
21 **3b, the** emergency service provider shall make a reasonable effort  
22 to do all of the following:

23 (a) Take action necessary to protect the physical health and  
24 safety of the newborn.

25 (b) Inform the parent that by surrendering the newborn, the  
26 parent is releasing the newborn to a child placing agency to be  
27 placed for adoption.

28 (c) Inform the parent that the parent has 28 days to petition  
29 the court to regain custody of the newborn.

1 (d) Provide the parent with written material approved by or  
2 produced by the department that includes, but is not limited to,  
3 all of the following statements:

4 (i) By surrendering the newborn, the parent is releasing the  
5 newborn to a child placing agency to be placed for adoption.

6 (ii) The parent has 28 days after surrendering the newborn to  
7 petition the court to regain custody of the newborn.

8 (iii) After the 28-day period to petition for custody elapses,  
9 there will be a hearing to determine and terminate parental rights.

10 (iv) There will be public notice of this hearing, and the  
11 notice will not contain the parent's name.

12 (v) The parent will not receive personal notice of this  
13 hearing.

14 (vi) Information the parent provides to an emergency service  
15 provider will not be made public.

16 (vii) A parent can contact the safe delivery line established  
17 under section 20 of this chapter for more information.

18 (2) After providing a parent with the information described in  
19 subsection (1), an emergency service provider, **except for a fire**  
20 **department that receives a newborn under section 3b**, shall make a  
21 reasonable attempt to do all of the following:

22 (a) Encourage the parent to provide any relevant family or  
23 medical information.

24 (b) Provide the parent with the pamphlet produced under  
25 section 20 of this chapter and inform the parent that ~~he or she~~ **the**  
26 **parent** can receive counseling or medical attention.

27 (c) Inform the parent that information that ~~he or she~~ **the**  
28 **parent** provides will not be made public.

29 (d) Ask the parent to identify himself or herself.

1 (e) Inform the parent that in order to place the newborn for  
2 adoption the state is required to make a reasonable attempt to  
3 identify the other parent, and then ask the parent to identify the  
4 other parent.

5 (f) Inform the parent that the child placing agency that takes  
6 temporary protective custody of the newborn can provide  
7 confidential services to the parent.

8 (g) Inform the parent that the parent may sign a release for  
9 the newborn that may be used at the parental rights termination  
10 hearing under this chapter.

11 (3) A newborn whose birth is described in the born alive  
12 infant protection act, 2002 PA 687, MCL 333.1071 to 333.1073, and  
13 who is in a hospital setting or transferred to a hospital under  
14 section 3(1) of the born alive infant protection act, 2002 PA 687,  
15 MCL 333.1073, is a newborn surrendered as provided in this chapter.  
16 An emergency service provider who has received a newborn under the  
17 born alive infant protection act, 2002 PA 687, MCL 333.1071 to  
18 333.1073, shall do all of the following:

19 (a) Comply with the requirements of subsections (1) and (2) to  
20 obtain information from or supply information to the surrendering  
21 parent by requesting the information from or supplying the  
22 information to the attending physician who delivered the newborn.

23 (b) Make no attempt to directly contact the parent or parents  
24 of the newborn.

25 (c) Provide humane comfort care if the newborn is determined  
26 to have no chance of survival due to gestational immaturity in  
27 light of available neonatal medical treatment or other condition  
28 incompatible with life.

29 **Sec. 3a. A municipality may install a baby drop box, at its**

1 own expense, at a fire department that is located within the  
2 municipality.

3       Sec. 3b. (1) A parent may voluntarily and anonymously  
4 surrender the parent's newborn to a baby drop box provided by a  
5 fire department.

6       (2) A fire department that receives a newborn under this  
7 section shall make a reasonable effort to take action necessary to  
8 protect the physical health and safety of the newborn.

9       Sec. 5. (1) An emergency service provider that is not a  
10 hospital and that takes a newborn into temporary protective custody  
11 under section 3 of this chapter **or a fire department that receives**  
12 **a newborn under section 3b** shall transfer the newborn to a  
13 hospital. The hospital shall accept a newborn who an emergency  
14 service provider transfers to the hospital in compliance with this  
15 chapter, taking the newborn into temporary protective custody.

16       (2) A hospital that takes a newborn into temporary protective  
17 custody under this chapter shall have the newborn examined by a  
18 physician. If a physician who examines the newborn either  
19 determines that there is reason to suspect the newborn has  
20 experienced child abuse or child neglect, other than being  
21 surrendered to an emergency service provider under section 3 of  
22 this chapter, or comes to a reasonable belief that the child is not  
23 a newborn, the physician shall immediately report to the department  
24 as required by section 3 of the child protection law, 1975 PA 238,  
25 MCL 722.623.

26       (3) If a physician is not required to report to the department  
27 as provided in subsection (2), the hospital shall notify a child  
28 placing agency that the hospital has taken a newborn into temporary  
29 protective custody under this chapter.

1           Sec. 17. (1) A parent who surrenders a newborn under section 3  
2 **or 3b** of this chapter and who does not file a custody action under  
3 section 10 of this chapter is presumed to have knowingly released  
4 ~~his or her~~ **the parent's** parental rights to the newborn.

5           (2) If the surrendering parent has not filed a petition for  
6 custody of the newborn within 28 days of the surrender, the child  
7 placing agency with authority to place the newborn shall  
8 immediately file a petition with the court to determine whether the  
9 release shall be accepted and whether the court shall enter an  
10 order terminating the rights of the surrendering parent.

11           (3) If the nonsurrendering parent has not filed a petition for  
12 custody of the newborn within 28 days of notice of surrender of a  
13 newborn under section 10 of this chapter, the child placing agency  
14 with authority to place the newborn shall immediately file a  
15 petition with the court to determine whether the court shall enter  
16 an order terminating the rights of the nonsurrendering parent.

17           (4) The court shall schedule a hearing on the petition from  
18 the child placing agency within 14 days of receipt of that  
19 petition. At the hearing, the child placing agency shall present  
20 evidence that demonstrates that the surrendering parent released  
21 the newborn and that demonstrates the efforts made by the child  
22 placing agency to identify, locate, and provide notice to the  
23 nonsurrendering parent.

24           (5) If the court finds by a preponderance of the evidence that  
25 the surrendering parent has knowingly released ~~his or her~~ **the**  
26 **parent's** rights to the child and that reasonable efforts were made  
27 to locate the nonsurrendering parent and a custody action has not  
28 been filed, the court shall enter an order terminating parental  
29 rights of the surrendering parent and the nonsurrendering parent

**1** under this chapter.

DRAFT 1

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
by amending section 20919 (MCL 333.20919), as amended by 2019 PA  
37.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 20919. (1) A medical control authority shall establish  
2 written protocols for the practice of life support agencies and  
3 licensed emergency medical services personnel within its region.  
4 The medical control authority shall develop and adopt the protocols  
5 required under this section in accordance with procedures  
6 established by the department and shall include all of the



1 following:

2 (a) The acts, tasks, or functions that may be performed by  
3 each type of emergency medical services personnel licensed under  
4 this part.

5 (b) Medical protocols to ensure the appropriate dispatching of  
6 a life support agency based upon medical need and the capability of  
7 the emergency medical services system.

8 (c) Protocols for complying with the Michigan do-not-  
9 resuscitate procedure act, 1996 PA 193, MCL 333.1051 to 333.1067.

10 (d) Protocols defining the process, actions, and sanctions a  
11 medical control authority may use in holding a life support agency  
12 or emergency medical services personnel accountable.

13 (e) Protocols to ensure that if the medical control authority  
14 determines that an immediate threat to the public health, safety,  
15 or welfare exists, appropriate action to remove medical control can  
16 immediately be taken until the medical control authority has had  
17 the opportunity to review the matter at a medical control authority  
18 hearing. The protocols must require that the hearing is held within  
19 3 business days after the medical control authority's  
20 determination.

21 (f) Protocols to ensure that if medical control has been  
22 removed from a participant in an emergency medical services system,  
23 the participant does not provide prehospital care until medical  
24 control is reinstated and that the medical control authority that  
25 removed the medical control notifies the department of the removal  
26 within 1 business day.

27 (g) Protocols to ensure that a quality improvement program is  
28 in place within a medical control authority and provides data  
29 protection as provided in 1967 PA 270, MCL 331.531 to 331.534.



1 (h) Protocols to ensure that an appropriate appeals process is  
2 in place.

3 (i) Protocols to ensure that each life support agency that  
4 provides basic life support, limited advanced life support, or  
5 advanced life support is equipped with epinephrine or epinephrine  
6 auto-injectors and that each emergency medical services personnel  
7 authorized to provide those services is properly trained to  
8 recognize an anaphylactic reaction, to administer the epinephrine,  
9 and to dispose of the epinephrine auto-injector or vial.

10 (j) Protocols to ensure that each life support vehicle that is  
11 dispatched and responding to provide medical first response life  
12 support, basic life support, or limited advanced life support is  
13 equipped with an automated external defibrillator and that each  
14 emergency medical services personnel is properly trained to utilize  
15 the automated external defibrillator.

16 (k) Protocols to ensure that each life support vehicle that is  
17 dispatched and responding to provide medical first response life  
18 support, basic life support, or limited advanced life support is  
19 equipped with opioid antagonists and that each emergency medical  
20 services personnel is properly trained to administer opioid  
21 antagonists. However, a medical control authority, at its  
22 discretion, may rescind or continue the protocol adopted under this  
23 subdivision.

24 (l) Protocols for complying with part 56B.

25 (m) Protocols to ensure that each life support vehicle that is  
26 dispatched and responding to provide medical first response life  
27 support, basic life support, or limited advanced life support is  
28 equipped with emergency contraception and that each emergency  
29 medical services personnel is properly trained to offer and provide



1 the emergency contraception to an individual who could become  
2 pregnant and alleges to have been the victim of criminal sexual  
3 conduct under sections 520a to 520/ of the Michigan penal code, 1931  
4 PA 328, MCL 750.520a to 750.520/.

5 (2) A medical control authority shall not establish a protocol  
6 under this section that conflicts with the Michigan do-not-  
7 resuscitate procedure act, 1996 PA 193, MCL 333.1051 to 333.1067,  
8 or part 56B.

9 (3) The department shall establish procedures for the  
10 development and adoption of written protocols under this section.  
11 The procedures must include at least all of the following  
12 requirements:

13 (a) At least 60 days before the adoption of a protocol, the  
14 medical control authority shall circulate a written draft of the  
15 proposed protocol to all significantly affected persons within the  
16 emergency medical services system served by the medical control  
17 authority and submit the written draft to the department for  
18 approval.

19 (b) The department shall review a proposed protocol for  
20 consistency with other protocols concerning similar subject matter  
21 that have already been established in this state and shall consider  
22 any written comments received from interested persons in its  
23 review.

24 (c) Within 60 days after receiving a written draft of a  
25 proposed protocol from a medical control authority, the department  
26 shall provide a written recommendation to the medical control  
27 authority with any comments or suggested changes on the proposed  
28 protocol. If the department does not respond within 60 days after  
29 receiving the written draft, the proposed protocol is considered to



1 be approved by the department.

2 (d) After department approval of a proposed protocol, the  
3 medical control authority may formally adopt and implement the  
4 protocol.

5 (e) A medical control authority may establish an emergency  
6 protocol necessary to preserve the health or safety of individuals  
7 within its region in response to a present medical emergency or  
8 disaster without following the procedures established by the  
9 department under this subsection for an ordinary protocol. An  
10 emergency protocol established under this subdivision is effective  
11 only for a limited period and does not take permanent effect unless  
12 it is approved according to the procedures established by the  
13 department under this subsection.

14 (4) A medical control authority shall provide an opportunity  
15 for an affected participant in an emergency medical services system  
16 to appeal a decision of the medical control authority. Following  
17 appeal, the medical control authority may affirm, suspend, or  
18 revoke its original decision. After appeals to the medical control  
19 authority have been exhausted, the affected participant in an  
20 emergency medical services system may appeal the medical control  
21 authority's decision to the state emergency medical services  
22 coordination committee created in section 20915. The state  
23 emergency medical services coordination committee shall issue an  
24 opinion on whether the actions or decisions of the medical control  
25 authority are in accordance with the department-approved protocols  
26 of the medical control authority and state law. If the state  
27 emergency medical services coordination committee determines in its  
28 opinion that the actions or decisions of the medical control  
29 authority are not in accordance with the medical control

1 authority's department-approved protocols or with state law, the  
2 state emergency medical services coordination committee shall  
3 recommend that the department take any enforcement action  
4 authorized under this code.

5 (5) If adopted in protocols approved by the department, a  
6 medical control authority may require life support agencies within  
7 its region to meet reasonable additional standards for equipment  
8 and personnel, other than medical first responders, that may be  
9 more stringent than are otherwise required under this part. If a  
10 medical control authority proposes a protocol that establishes  
11 additional standards for equipment and personnel, the medical  
12 control authority and the department shall consider the medical and  
13 economic impact on the local community, the need for communities to  
14 do long-term planning, and the availability of personnel. If either  
15 the medical control authority or the department determines that  
16 negative medical or economic impacts outweigh the benefits of those  
17 additional standards as they affect public health, safety, and  
18 welfare, the medical control authority shall not adopt and the  
19 department shall not approve protocols containing those additional  
20 standards.

21 (6) If adopted in protocols approved by the department, a  
22 medical control authority may require medical first response  
23 services and licensed medical first responders within its region to  
24 meet additional standards for equipment and personnel to ensure  
25 that each medical first response service is equipped with an  
26 epinephrine auto-injector, and that each licensed medical first  
27 responder is properly trained to recognize an anaphylactic reaction  
28 and to administer and dispose of the epinephrine auto-injector, if  
29 a life support agency that provides basic life support, limited

1 advanced life support, or advanced life support is not readily  
2 available in that location.

3 (7) If a decision of the medical control authority under  
4 subsection (5) or (6) is appealed by an affected person, the  
5 medical control authority shall make available, in writing, the  
6 medical and economic information it considered in making its  
7 decision. On appeal, the state emergency medical services  
8 coordination committee created in section 20915 shall review this  
9 information under subsection (4) and shall issue its findings in  
10 writing.



# SENATE BILL NO. 734

February 28, 2024, Introduced by Senator LINDSEY and referred to the Committee on Oversight.

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 2251, 2253, 2433, 2435, 2441, 2451, 2453, 2481, 12613, 13104, 13105a, 13108, 13516, 13736, 13737, 13738, and 20919 (MCL 333.2251, 333.2253, 333.2433, 333.2435, 333.2441, 333.2451, 333.2453, 333.2481, 333.12613, 333.13104, 333.13105a, 333.13108, 333.13516, 333.13736, 333.13737, 333.13738, and 333.20919), section 2251 as amended by 2012 PA 180, sections 2253 and 2453 as amended by 2022 PA 274, section 2441 as amended by 2010

PA 72, section 12613 as amended by 2009 PA 188, sections 13104 and 13108 as amended and section 13105a as added by 2010 PA 375, sections 13736, 13737, and 13738 as added by 1987 PA 203, and section 20919 as amended by 2019 PA 37; and to repeal acts and parts of acts.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 2251. (1) Upon a determination that an imminent danger to  
2 the health or lives of individuals exists in this state, the  
3 director immediately shall inform the individuals affected by the  
4 imminent danger and issue ~~an order~~ **a recommendation** that ~~shall~~ **must**  
5 be delivered to a person authorized to avoid, correct, or remove  
6 the imminent danger or be posted at or near the imminent danger.  
7 The ~~order shall~~ **recommendation must** incorporate the director's  
8 findings. ~~and require immediate action necessary to avoid, correct,~~  
9 ~~or remove the imminent danger.~~ The ~~order~~ **recommendation** may specify  
10 ~~action~~ **suggest actions** to be taken ~~or prohibit the presence of~~  
11 ~~individuals in locations or under conditions where the imminent~~  
12 ~~danger exists, except individuals whose presence is necessary to~~  
13 ~~avoid, correct, or remove the imminent danger.~~

14           ~~(2) Upon failure of a person to comply promptly with a~~  
15 ~~department order issued under this section, the department may~~  
16 ~~petition the circuit court having jurisdiction to restrain a~~  
17 ~~condition or practice which the director determines causes the~~  
18 ~~imminent danger or to require action to avoid, correct, or remove~~  
19 ~~the imminent danger.~~

20           ~~(3) If the director determines that conditions anywhere in~~  
21 ~~this state constitute a menace to the public health, the director~~  
22 ~~may take full charge of the administration of applicable state and~~  
23 ~~local health laws, rules, regulations, and ordinances in addressing~~

1 ~~that menace.~~

2 (2) ~~(4)~~—If the director determines that an imminent danger to  
 3 the health or lives of individuals in this state can be prevented  
 4 or controlled by the promulgation of an emergency rule under  
 5 section 48(2) of the administrative procedures act of 1969, ~~1969 PA~~  
 6 ~~306,~~ MCL 24.248, to schedule or reschedule a substance as a  
 7 controlled substance as provided in part 72, the director shall  
 8 notify the director of the department of licensing and regulatory  
 9 affairs and the administrator of ~~his or her~~ **the** determination in  
 10 writing. The notification ~~shall~~ **must** include a description of the  
 11 substance to be scheduled or rescheduled and the grounds for ~~his or~~  
 12 ~~her~~ **the** determination. The director may provide copies of police,  
 13 hospital, and laboratory reports and other information to the  
 14 director of the department of licensing and regulatory affairs and  
 15 the administrator as considered appropriate by the director.

16 (3) ~~(5)~~—As used in this section:

17 (a) "Administrator" means that term as defined in section  
 18 7103.

19 (b) "Imminent danger" means a condition or practice exists  
 20 that could reasonably be expected to cause death, disease, or  
 21 serious physical harm immediately or before the imminence of the  
 22 danger can be eliminated through ~~enforcement~~ procedures otherwise  
 23 provided.

24 (c) "Person" means a person as defined in section 1106 or a  
 25 governmental entity.

26 Sec. 2253. (1) ~~Subject to subsections (4) and (5), if~~ **If** the  
 27 director determines that control of an epidemic is necessary to  
 28 protect the public health, the director by emergency order may make  
 29 a declaration of that determination and may within that emergency

1 order ~~prohibit the gathering of people for any purpose and~~  
2 ~~establish~~ **suggest** procedures to be followed during the epidemic to  
3 ensure continuation of essential public health services. ~~and~~  
4 ~~enforcement of health laws.~~ Emergency procedures are not limited to  
5 this code.

6 (2) If an epidemic described in subsection (1) involves avian  
7 influenza or another virus or disease that is or may be spread by  
8 contact with animals, the department of agriculture and rural  
9 development shall cooperate with and assist the director in the  
10 director's response to the epidemic.

11 (3) On request from the director, the department of  
12 agriculture and rural development shall assist the department in  
13 any review or update of the department's pandemic influenza plan  
14 under section 5112.

15 ~~(4) Beginning June 1, 2023, an emergency order issued under~~  
16 ~~subsection (1) may prohibit or otherwise limit any visitation of a~~  
17 ~~patient or resident in a qualified health care facility for a~~  
18 ~~period not to exceed 30 days after the date the director first~~  
19 ~~declares that control of the epidemic is necessary to protect the~~  
20 ~~public health.~~

21 ~~(5) Beginning June 1, 2023, because LINDA, after 30 days after~~  
22 ~~the director first declares that control of an epidemic is~~  
23 ~~necessary to protect the public health in an emergency order issued~~  
24 ~~under subsection (1), all of the following apply:~~

25 ~~(a) Subject to subdivision (b), the emergency order must not~~  
26 ~~prohibit or otherwise limit a patient representative from visiting~~  
27 ~~a patient or resident with a cognitive impairment in a qualified~~  
28 ~~health care facility.~~

29 ~~(b) The emergency order may do any of the following:~~

1       ~~(i) Implement reasonable safety measures before or during a~~  
2 ~~patient representative's visit to a patient or resident with a~~  
3 ~~cognitive impairment in the qualified health care facility,~~  
4 ~~including, but not limited to, prescreening or testing a patient~~  
5 ~~representative, imposing a visit duration on a patient~~  
6 ~~representative, restricting the number of patient representatives~~  
7 ~~who may visit at 1 time, and requiring a patient representative to~~  
8 ~~preschedule a visit.~~

9       ~~(ii) Establish procedures for the visitation of a patient or~~  
10 ~~resident with a cognitive impairment in a qualified health care~~  
11 ~~facility, if the director determines that establishing the~~  
12 ~~procedures is vital to maintaining a safe health care~~  
13 ~~infrastructure in this state. The director shall consult with~~  
14 ~~qualified health care facilities before establishing procedures~~  
15 ~~under this subparagraph.~~

16       ~~(6) As used in this section:~~

17       ~~(a) "Assisted living facility" means an unlicensed entity that~~  
18 ~~offers community based residential care for at least 3 unrelated~~  
19 ~~adults who are 65 years of age or older or who need assistance with~~  
20 ~~activities of daily living that are available 24 hours a day,~~  
21 ~~including, but not limited to, personal, supportive, or~~  
22 ~~intermittent health-related services.~~

23       ~~(b) "Cognitive impairment" means a deficiency in the patient's~~  
24 ~~or resident's mental capability or loss of intellectual ability,~~  
25 ~~either of which affects the patient's or resident's comprehension,~~  
26 ~~decision-making, reasoning, adaptive functioning, judgment,~~  
27 ~~learning, or memory and that materially affects the patient's or~~  
28 ~~resident's ability to function. A cognitive impairment may be a~~  
29 ~~temporary short-term change in cognition, a medically induced~~

1 ~~change in cognition, or a long-term ongoing change in cognition.~~

2 ~~(c) "Family member" means an individual related to a patient~~  
3 ~~or resident by blood, marriage, or adoption who is within the fifth~~  
4 ~~degree of kinship to the patient or resident.~~

5 ~~(d) "LINDA" means loved individuals need dedicated attention.~~

6 ~~(e) "Patient representative" means any of the following:~~

7 ~~(i) A family member.~~

8 ~~(ii) A patient advocate as that term is defined in section 1106~~  
9 ~~of the estates and protected individuals code, 1998 PA 386, MCL~~  
10 ~~700.1106.~~

11 ~~(iii) An individual who is named as the attorney in fact under a~~  
12 ~~durable or nondurable power of attorney for the patient or~~  
13 ~~resident.~~

14 ~~(f) "Qualified health care facility" means any of the~~  
15 ~~following:~~

16 ~~(i) A health facility or agency as that term is defined in~~  
17 ~~section 20106.~~

18 ~~(ii) An assisted living facility.~~

19 ~~(iii) A physician's private practice office.~~

20 Sec. 2433. (1) A local health department shall continually and  
21 diligently endeavor to prevent disease, prolong life, and promote  
22 the public health through organized programs, including prevention  
23 and control of environmental health hazards; prevention and control  
24 of diseases; prevention and control of health problems of  
25 particularly vulnerable population groups; development of health  
26 care facilities and health services delivery systems; and  
27 regulation of health care facilities and health services delivery  
28 systems to the extent provided by law.

29 (2) A local health department shall:

1 ~~(a) Implement and enforce laws for which responsibility is~~  
2 ~~vested in the local health department.~~

3 (a) ~~(b)~~ Utilize vital and health statistics and provide for  
4 epidemiological and other research studies for the purpose of  
5 protecting the public health.

6 (b) ~~(c)~~ Make investigations and inquiries as to:

7 (i) The causes of disease and especially of epidemics.

8 (ii) The causes of morbidity and mortality.

9 (iii) The causes, prevention, and control of environmental  
10 health hazards, nuisances, and sources of illness.

11 (c) ~~(d)~~ Plan, implement, and evaluate health education through  
12 the provision of expert technical assistance, or financial support,  
13 or both.

14 (d) ~~(e)~~ Provide or demonstrate the provision of required  
15 services as set forth in section 2473(2).

16 ~~(f) Have powers necessary or appropriate to perform the duties~~  
17 ~~and exercise the powers given by law to the local health officer~~  
18 ~~and which are not otherwise prohibited by law.~~

19 (e) ~~(g)~~ Plan, implement, and evaluate nutrition services by  
20 provision of expert technical assistance or financial support, or  
21 both.

22 ~~(3) This section does not limit the powers or duties of a~~  
23 ~~local health officer otherwise vested by law.~~

24 Sec. 2435. A local health department may:

25 (a) Engage in research programs and staff professional  
26 training programs.

27 (b) Advise other local agencies and persons as to the  
28 location, drainage, water supply, disposal of solid waste, heating,  
29 and ventilation of buildings.

1 (c) Enter into an agreement, contract, or arrangement with a  
 2 governmental entity or other person necessary or appropriate to  
 3 assist the local health department in carrying out its duties and  
 4 functions unless otherwise prohibited by law.

5 ~~(d) Adopt regulations to properly safeguard the public health  
 6 and to prevent the spread of diseases and sources of contamination.~~

7 (d) ~~(e)~~ Accept gifts, grants, bequests, and other donations  
 8 for use in performing the local health department's functions.  
 9 Funds or property accepted shall be used as directed by its donor  
 10 and in accordance with the law, rules, and procedures of this state  
 11 and the local governing entity.

12 (e) ~~(f)~~ Sell and convey real estate owned by the local health  
 13 department.

14 (f) ~~(g)~~ Provide services not inconsistent with this code.

15 (g) ~~(h)~~ Participate in the cost reimbursement program set  
 16 forth in sections 2471 to 2498.

17 (h) ~~(i)~~ Perform a delegated function unless otherwise  
 18 prohibited by law.

19 Sec. 2441. A local health department may adopt regulations  
 20 necessary or appropriate to implement or carry out the duties or  
 21 functions vested by law in the local health department. The **local**  
 22 **governing entity of a local health department shall approve or**  
 23 **disapprove the** regulations. ~~shall be approved or disapproved by the~~  
 24 ~~local governing entity.~~ The regulations ~~shall~~ become effective 45  
 25 days after approval by the local health department's governing  
 26 entity or at a time specified by the local health department's  
 27 governing entity. The regulations ~~shall~~ **must** be at least as  
 28 stringent as the standard established by state law applicable to  
 29 the same or similar subject matter. ~~Regulations of a local health~~

1 ~~department supersede inconsistent or conflicting local ordinances.~~

2 ~~.~~

3       Sec. 2451. (1) Upon a determination that an imminent danger to  
4 the health or lives of individuals exists in the area served by the  
5 local health department, the local health officer immediately shall  
6 inform the individuals affected by the imminent danger and issue ~~an~~  
7 ~~order which shall~~ **a recommendation that must** be delivered to a  
8 person authorized to avoid, correct, or remove the imminent danger  
9 or be posted at or near the imminent danger. The ~~order shall~~  
10 **recommendation must** incorporate the findings of the local health  
11 department. ~~and require immediate action necessary to avoid,~~  
12 ~~correct, or remove the imminent danger. The order~~ **recommendation**  
13 may ~~specify action~~ **suggest actions** to be taken ~~or prohibit the~~  
14 ~~presence of individuals in locations or under conditions where the~~  
15 ~~imminent danger exists, except individuals whose presence is~~  
16 ~~necessary to avoid, correct, or remove the imminent danger.~~

17       ~~(2) Upon the failure of a person to comply promptly with an~~  
18 ~~order issued under this section, the local health department may~~  
19 ~~petition a circuit or district court having jurisdiction to~~  
20 ~~restrain a condition or practice which the local health officer~~  
21 ~~determines causes the imminent danger or to require action to~~  
22 ~~avoid, correct, or remove the imminent danger.~~

23       (2) ~~(3)~~ As used in this section:

24       (a) "Imminent danger" means a condition or practice which  
25 could reasonably be expected to cause death, disease, or serious  
26 physical harm immediately or before the imminence of the danger can  
27 be eliminated through ~~enforcement~~ procedures otherwise provided.

28       (b) "Person" means a person as defined in section 1106 or a  
29 governmental entity.

1           Sec. 2453. (1) ~~Subject to subsections (3) and (4), if~~ **If** a  
2 local health officer determines that control of an epidemic is  
3 necessary to protect the public health, the local health officer by  
4 emergency order may make a declaration of that determination and  
5 may within that emergency order ~~prohibit the gathering of people~~  
6 ~~for any purpose and establish~~ **suggest** procedures to be followed by  
7 persons, including a local governmental entity, during the epidemic  
8 to ensure continuation of essential public health services. ~~and~~  
9 ~~enforcement of health laws.~~ Emergency procedures are not limited to  
10 this code.

11           (2) A local health department or the department may provide  
12 for the involuntary detention and treatment of individuals with  
13 hazardous communicable disease in the manner prescribed in sections  
14 5201 to 5210.

15           ~~(3) Beginning June 1, 2023, an emergency order issued under~~  
16 ~~subsection (1) may prohibit or otherwise limit any visitation of a~~  
17 ~~patient or resident in a qualified health care facility for a~~  
18 ~~period not to exceed 30 days after the date the local health~~  
19 ~~officer first declares that control of the epidemic is necessary to~~  
20 ~~protect the public health.~~

21           ~~(4) Beginning June 1, 2023, because LINDA, after 30 days after~~  
22 ~~the local health officer first declares that control of an epidemic~~  
23 ~~is necessary to protect the public health in an emergency order~~  
24 ~~issued under subsection (1), all of the following apply:~~

25           ~~(a) Subject to subdivision (b), the emergency order must not~~  
26 ~~prohibit or otherwise limit a patient representative from visiting~~  
27 ~~a patient or resident with a cognitive impairment in a qualified~~  
28 ~~health care facility.~~

29           ~~(b) The emergency order may do any of the following:~~

1       ~~(i) Implement reasonable safety measures before or during a~~  
2 ~~patient representative's visit to a patient or resident with a~~  
3 ~~cognitive impairment in the qualified health care facility,~~  
4 ~~including, but not limited to, prescreening or testing a patient~~  
5 ~~representative, imposing a visit duration on a patient~~  
6 ~~representative, restricting the number of patient representatives~~  
7 ~~who may visit at 1 time, and requiring a patient representative to~~  
8 ~~preschedule a visit.~~

9       ~~(ii) Establish procedures for the visitation of a patient or~~  
10 ~~resident with a cognitive impairment in a qualified health care~~  
11 ~~facility if the local health officer determines that establishing~~  
12 ~~the procedures is vital to maintaining a safe health care~~  
13 ~~environment. The local health officer shall consult with qualified~~  
14 ~~health care facilities before establishing procedures under this~~  
15 ~~subparagraph.~~

16       ~~(5) As used in this section:~~

17       ~~(a) "Assisted living facility" means an unlicensed entity that~~  
18 ~~offers community based residential care for at least 3 unrelated~~  
19 ~~adults who are 65 years of age or older or who need assistance with~~  
20 ~~activities of daily living that are available 24 hours a day,~~  
21 ~~including, but not limited to, personal, supportive, or~~  
22 ~~intermittent health-related services.~~

23       ~~(b) "Cognitive impairment" means a deficiency in the patient's~~  
24 ~~or resident's mental capability or loss of intellectual ability,~~  
25 ~~either of which affects the patient's or resident's comprehension,~~  
26 ~~decision-making, reasoning, adaptive functioning, judgment,~~  
27 ~~learning, or memory and that materially affects the patient's or~~  
28 ~~resident's ability to function. A cognitive impairment may be a~~  
29 ~~temporary short-term change in cognition, a medically induced~~

1 ~~change in cognition, or a long-term ongoing change in cognition.~~

2 ~~(c) "Family member" means an individual related to a patient~~  
3 ~~or resident by blood, marriage, or adoption who is within the fifth~~  
4 ~~degree of kinship to the patient or resident.~~

5 ~~(d) "LINDA" means loved individuals need dedicated attention.~~

6 ~~(e) "Patient representative" means any of the following:~~

7 ~~(i) A family member.~~

8 ~~(ii) A patient advocate as that term is defined in section 1106~~  
9 ~~of the estates and protected individuals code, 1998 PA 386, MCL~~  
10 ~~700.1106.~~

11 ~~(iii) An individual who is named as the attorney in fact under a~~  
12 ~~durable or nondurable power of attorney for the patient or~~  
13 ~~resident.~~

14 ~~(f) "Qualified health care facility" means any of the~~  
15 ~~following:~~

16 ~~(i) A health facility or agency as that term is defined in~~  
17 ~~section 20106.~~

18 ~~(ii) An assisted living facility.~~

19 ~~(iii) A physician's private practice office.~~

20 Sec. 2481. As a condition for the approval of funding for a  
21 service under sections 2471 to 2498, a local health department  
22 shall:

23 (a) Provide the required health services which the local  
24 health department is designated to provide in substantial accord  
25 with the program plan developed under part 23 and rules promulgated  
26 under section 2495, including standards as to the scope and quality  
27 of services.

28 (b) Report its performance and fiscal matters in a form and  
29 containing information the department reasonably requires to

1 implement sections 2471 to 2498.

2 (c) Keep records and afford access to the records by  
3 authorized state, federal, and local officials for audit and review  
4 purposes necessary to verify and ~~assure~~**ensure** the accuracy and  
5 acceptability of the reports.

6 **(d) Certify by a written report to the legislature that the**  
7 **local health department has not violated any constitutionally**  
8 **protected right within the fiscal year immediately preceding the**  
9 **approval of funding.**

10 Sec. 12613. (1) Subject to subsection (2), the department  
11 shall enforce this part and part 129 and any rules promulgated  
12 under this part. ~~pursuant to sections 2262(2) and 2263.~~ In addition  
13 to the civil fine authorized under section 12611, the department  
14 may enforce this part and any rules promulgated under this part  
15 through an action commenced pursuant to ~~section 2255 or any other~~  
16 appropriate action authorized by law.

17 (2) Pursuant to section 2235, the department may authorize a  
18 local health department to enforce this part and part 129 and any  
19 rules promulgated under this part. A local health department  
20 authorized to enforce this part and part 129 and any rules  
21 promulgated under this part shall enforce this part and part 129  
22 and any rules promulgated under this part. ~~pursuant to sections~~  
23 ~~2461(2) and 2462.~~ In addition to the civil fine authorized under  
24 section 12611, a local health department may enforce this part and  
25 part 129 and any rules promulgated under this part through ~~an~~  
26 ~~action commenced pursuant to section 2465 or any other~~ appropriate  
27 action authorized by law.

28 (3) In addition to any other enforcement action authorized by  
29 law, a person alleging a violation of this part may bring a civil

1 action for appropriate injunctive relief, if the person has used  
2 the public place, child caring institution, or child care center  
3 within 60 days before the civil action is filed.

4 (4) The remedies under this part are independent and  
5 cumulative. The use of 1 remedy by a person ~~shall~~**does** not bar the  
6 use of other lawful remedies by that person or the use of a lawful  
7 remedy by another person.

8 Sec. 13104. (1) An individual shall not tattoo, brand, or  
9 perform body piercing on another individual unless the tattooing,  
10 branding, or body piercing occurs at a body art facility licensed  
11 under this part. ~~Any tattooing, branding, or body piercing~~  
12 ~~occurring in this state other than at a facility licensed under~~  
13 ~~this part is considered an imminent danger under section 2251 or~~  
14 ~~2451 and the department or a local health department shall order~~  
15 ~~the immediate cessation of that activity in the manner prescribed~~  
16 ~~in this act.~~

17 (2) The owner or operator of a body art facility shall apply  
18 to the department for a body art facility license under this part  
19 on a form provided by the department and at the time of application  
20 shall pay to the department the appropriate fee prescribed under  
21 subsection (4). The department shall issue a license on an annual  
22 basis to a body art facility that meets the requirements of this  
23 part or for a time period not to exceed 14 consecutive days to a  
24 temporary body art facility that meets the requirements of this  
25 part.

26 (3) If the department determines that the application is  
27 complete and the body art facility proposed or operated by the  
28 applicant meets the requirements of this part and any rules  
29 promulgated under this part, the department shall issue the

1 appropriate license to the applicant for the operation of that body  
2 art facility. Except for a temporary license issued under this  
3 part, the license is effective for up to 1 year and expires at 12  
4 midnight on December 31. A temporary license issued under this part  
5 is effective for not more than 14 consecutive days and expires at  
6 12 midnight on the date prescribed on the temporary license.

7 (4) Except as otherwise provided in this part, the applicant  
8 shall pay 1 of the following fees at the time of application for a  
9 body art facility license:

10 (a) For an annual license..... \$ 500.00.

11 (b) For a temporary license to operate a body art  
12 facility at a fixed location for not more than  
13 14 consecutive days..... \$ 150.00.

14 (5) An applicant for a new annual license that is filed on or  
15 after July 1 shall only pay 50% of the fee prescribed in subsection  
16 (4)(a). A licensee that fails to submit an application for a  
17 license renewal on or before December 1, in addition to the license  
18 fee under subsection (4)(a), shall pay an additional \$250.00 late  
19 fee.

20 (6) The department shall issue a duplicate license upon  
21 request of a licensee and the payment of a duplicate license fee of  
22 \$50.00.

23 (7) Unless a different distribution is provided for in a cost  
24 reimbursement program under sections 2471 to 2498, the department  
25 shall distribute a portion of a fee collected under this section  
26 from an applicant or licensee to a local health department  
27 authorized to enforce this part under section 13108 as follows:

28 (a) From the annual license fee under subsection (4)(a) or (5)  
29 and, if applicable, from the late fee under subsection (5), 50%.

1 (b) From the temporary license fee under subsection (4) (b),  
2 75%.

3 (c) From the duplicate license fee under subsection (6), 50%.

4 (8) The department shall adjust the fees prescribed in this  
5 section annually by an amount determined by the state treasurer to  
6 reflect the cumulative annual percentage change in the Detroit-Ann  
7 Arbor-Flint ~~consumer price index~~, **Consumer Price Index**, but not by  
8 an amount that exceeds 5%. As used in this subsection, "Detroit-Ann  
9 Arbor-Flint ~~consumer price index~~" **Consumer Price Index**" means the  
10 most comprehensive index of consumer prices available for the  
11 Detroit, Ann Arbor, and Flint areas from the ~~bureau of labor~~  
12 ~~statistics~~ **Bureau of Labor Statistics** of the United States  
13 ~~department of labor~~. **Department of Labor**.

14 Sec. 13105a. (1) An applicant or licensee shall give the local  
15 health department access to the body art facility and all of its  
16 books and records during all hours of operation and during other  
17 reasonable hours to allow the local health department to determine  
18 if the body art facility is in compliance with this part. An  
19 inspection of a body art facility under this part may be announced  
20 or unannounced. An applicant or licensee shall not do any of the  
21 following:

22 (a) Refuse to permit the local health department to enter or  
23 inspect a body art facility.

24 (b) Refuse to produce the body art facility's books and  
25 records for inspection.

26 (c) Any other activity that impedes the local health  
27 department's ability to carry out its duties prescribed in this  
28 part.

29 (2) As part of an inspection under this part, the local health

1 department may examine, take photographs, or make copies of the  
2 books and records of the body art facility.

3 (3) Upon completion of an inspection under this part, the  
4 local health department shall reduce its findings to writing on a  
5 form prescribed by the department. The inspection report ~~shall~~**must**  
6 include a summary of all findings of the inspection with regard to  
7 items of compliance with this part. If any critical violations are  
8 found, the inspection report ~~shall~~**must** include a compliance  
9 schedule for the body art facility to follow, which schedule is  
10 consistent with the department's standards established under this  
11 part for body art facilities.

12 (4) An authorized representative of the local health  
13 department who participated in the conduct of the inspection shall  
14 sign and date the inspection report and obtain the signature of the  
15 licensee on the report. A copy of the signed and dated inspection  
16 report ~~shall~~**must** be delivered to the licensee.

17 ~~(5) If the local health department determines that the~~  
18 ~~continued operation of a body art facility is an imminent danger~~  
19 ~~under section 2451, the local health department shall order the~~  
20 ~~immediate cessation of the operation of that facility in the manner~~  
21 ~~prescribed in this act. A body art facility ordered to cease~~  
22 ~~operations under this subsection shall immediately cease operations~~  
23 ~~and shall not resume operations until the local health department~~  
24 ~~has conducted an inspection, has determined that the operation of~~  
25 ~~the body art facility is no longer an imminent danger, and has~~  
26 ~~issued an order allowing the body art facility to resume~~  
27 ~~operations.~~

28 (5) ~~(6)~~At any time it determines appropriate, a local health  
29 department may place limitations on the license of a body art

1 facility, which limitations include the imposition of restrictions  
 2 or conditions, or both, on the operations of that body art  
 3 facility. A body art facility shall comply with all license  
 4 limitations imposed under this subsection until the local health  
 5 department has conducted an inspection, has determined that the  
 6 license limitations are no longer necessary, and has issued an  
 7 order allowing the body art facility to resume operations without  
 8 the license limitations.

9 Sec. 13108. (1) Pursuant to section 2235, the department ~~shall~~  
 10 **may** authorize a local health department to enforce this part and  
 11 any rules promulgated under this part. ~~A~~**If a** local health  
 12 department **is** authorized to enforce this part and any rules  
 13 promulgated under this part, **the local health department** shall  
 14 enforce this part and any rules promulgated under this part.  
 15 ~~pursuant to sections 2461(2) and 2462.~~ In addition to the penalties  
 16 and remedies under this part, a local health department may enforce  
 17 this part and any rules promulgated under this part through ~~an~~  
 18 ~~action commenced pursuant to section 2465 or any other~~ appropriate  
 19 action authorized by law.

20 (2) If a local health department of a county or city under  
 21 part 24 is unable or unwilling to perform the functions required in  
 22 this section and the county or city is not part of a district that  
 23 has created a district health department pursuant to section 2415,  
 24 the county or city, through an intergovernmental agreement, may  
 25 contract with another local governing entity to have that entity's  
 26 local health department perform the functions required in this  
 27 section. The contracting parties under this subsection shall obtain  
 28 the department's approval before execution of the intergovernmental  
 29 agreement.

1 (3) Pursuant to section 2444, a local governing entity of a  
 2 local health department authorized to enforce this part under this  
 3 section may fix and require the payment of fees by applicants and  
 4 licensees for services required to be performed by the local health  
 5 department under this part.

6 (4) A local health department shall use as guidance in  
 7 enforcing this part any safety standards or other requirements  
 8 issued by the department applicable to body art facilities.

9 (5) In addition to any other enforcement action authorized by  
 10 law, a person alleging a violation of this part may bring a civil  
 11 action in a court of competent jurisdiction for appropriate  
 12 injunctive relief.

13 Sec. 13516. ~~(1) When~~ **Subject to subsection (2), if** the  
 14 department finds that an emergency exists requiring immediate  
 15 action to protect occupational or public health and safety, the  
 16 department shall issue an order, with or without notice or hearing,  
 17 reciting the existence of the emergency and providing for the  
 18 protection of public health and safety. Notwithstanding this act or  
 19 the administrative procedures act of 1969, the order ~~shall be~~ **is**  
 20 effective immediately. A person to whom the order is directed shall  
 21 comply ~~therewith~~ **with the order** immediately but, on request to the  
 22 department, ~~the department shall be granted~~ **grant the person** a  
 23 hearing within 15 days. On the basis of the hearing, the emergency  
 24 order ~~shall~~ **must** be continued, modified, or revoked within 30 days  
 25 after the hearing.

26 **(2) The department shall issue an emergency order under this**  
 27 **section only if it is necessary to enforce this part or a rule**  
 28 **promulgated under this part.**

29 Sec. 13736. (1) A person who holds a license or permit issued

1 under this part may be subject to sanctions as provided in  
 2 subsection (2) for negligence or a failure to exercise due care,  
 3 including negligent supervision, regarding the license or permit  
 4 holder's contractors, employees, agents, or subordinates.

5 (2) The department may suspend, revoke, annul, withdraw,  
 6 recall, or cancel a license or permit issued under this part in  
 7 accordance with the administrative procedures act of 1969, ~~Act No.~~  
 8 ~~306 of the Public Acts of 1969, being sections 24.201 to 24.328 of~~  
 9 ~~the Michigan Compiled Laws,~~ if any of the following exists:

10 (a) Fraud or deceit in obtaining a permit or license or in  
 11 registering under this part.

12 (b) A violation of this part, an order issued or a rule  
 13 promulgated under this part, or the conditions of a registration,  
 14 permit, or license under this part.

15 (c) Negligence or failure to exercise due care, including  
 16 negligent supervision, regarding contractors, employees, agents, or  
 17 subordinates.

18 (3) In addition to or in lieu of any action authorized in  
 19 subsection (2), if the department finds any of the circumstances  
 20 listed in subsection (2) (a) to (c), the department may issue an  
 21 order directing the person to do either of the following:

22 (a) Discontinue handling or otherwise possessing waste.

23 (b) Comply with specific requirements of a permit or license  
 24 issued under this part.

25 (4) The department may establish procedures, hold hearings,  
 26 administer oaths, issue subpoenas, and order testimony to be taken  
 27 at a hearing or by deposition in a proceeding under this part. A  
 28 person may be compelled to appear and testify and to produce books,  
 29 papers, or documents in a proceeding. In case of disobedience of a

1 subpoena, a party to a hearing may invoke the aid of the circuit  
2 court of the county in which the hearing is held to require the  
3 attendance and testimony of witnesses. The circuit court may issue  
4 an order requiring an individual to appear and give testimony.

5 (5) An application for a license or permit under this part may  
6 be denied on a finding of any condition or practice that would  
7 constitute a violation of this part or any rules promulgated under  
8 this part if the applicant were a holder of the permit or a license  
9 that the applicant seeks or if there is fraud or deceit in  
10 attempting to obtain a permit or license under this part.

11 (6) The director or ~~his or her~~ **the director's** authorized  
12 representatives may enter the disposal site or other location where  
13 waste is located or reasonably believed to be located at any time  
14 for the purpose of monitoring, surveillance, and inspection, and  
15 may enter at all reasonable times upon any public or private  
16 property, building, premises, place, or vehicle for the purpose of  
17 determining compliance with this part, or a permit, registration,  
18 or license condition, rule, or an order issued pursuant to this  
19 part. In the conduct of an investigation, the director or ~~his or~~  
20 ~~her~~ **the director's** authorized representatives may collect samples,  
21 conduct tests and inspections, and examine any book, record, paper,  
22 document, or other physical evidence related to the generation,  
23 management, processing, collecting, transport, storage, or disposal  
24 of waste.

25 (7) The department shall conduct unannounced spot checks of  
26 the premises of generators and processors who hold permits issued  
27 under this part to assure the proper packaging of waste. The  
28 unannounced spot checks provided for in this subsection shall only  
29 occur to the extent that the department has access to the premises

1 of the generator and processor under federal law.

2 (8) The department shall advise the authority of regulatory  
3 actions taken under this part and shall evaluate and respond within  
4 30 days to information received from the authority in which the  
5 authority recommends that regulatory action should be undertaken by  
6 the department.

7 (9) An agent or employee of the department may apply for ~~an~~  
8 ~~administrative inspection warrant pursuant to sections 2241 to~~  
9 ~~2247, or for a search warrant~~ for purposes of collecting samples,  
10 testing, inspecting, or examining any radioactive material or any  
11 public or private property, building, premises, place, vehicle,  
12 book, record, paper, sample results, or other physical evidence  
13 related to the generation, processing, collecting, management,  
14 transport, storage, disposal, or possession of waste. It ~~shall be~~  
15 **is** sufficient probable cause to show any of the following:

16 (a) The sample collection, test, inspection, or examination is  
17 pursuant to a general administrative action to determine compliance  
18 with this part.

19 (b) An agent or employee of the department has reason to  
20 believe that a violation of this part has occurred or may occur.

21 (c) An agent or employee of the department has been refused  
22 access to the waste, property, building, premise, place, vehicle,  
23 book, record, document, paper, sample results, or other physical  
24 evidence related to the generation, management, processing,  
25 collecting, transport, or disposal of waste, or has been prevented  
26 from collecting samples or conducting tests, surveillance,  
27 inspections, monitoring, or examinations.

28 Sec. 13737. ~~(1)~~ Notwithstanding the existence and pursuit of  
29 any other remedy, the director, without posting a bond, may request

1 the attorney general to bring an action in the name of the people  
 2 of this state to restrain, enjoin, prevent, or correct a violation  
 3 of this part, rules promulgated under this part, or a permit or  
 4 license or order issued under this part.

5 ~~(2) The department may promulgate rules to adopt a schedule of~~  
 6 ~~monetary civil fines in accordance with sections 2262 and 2263 to~~  
 7 ~~enforce this part.~~

8 Sec. 13738. (1) If the director finds that a person is in  
 9 violation of this part, a rule promulgated under this part, or a  
 10 permit or license issued under this part, the director may issue an  
 11 order requiring the person to comply with this part, rule, permit,  
 12 or license. An order issued pursuant to this section may require  
 13 remedial actions considered necessary by the department to correct  
 14 violations. ~~An order issued by the director pursuant to this~~  
 15 ~~section may be an emergency order as authorized by section 2251~~  
 16 ~~upon a finding and determination that an imminent danger to the~~  
 17 ~~health or lives of individuals exists as a result of conditions~~  
 18 ~~associated with the generation, processing, collecting, management,~~  
 19 ~~transporting, handling, disposal, or possession of waste.~~ The  
 20 attorney general may commence a civil action against a person for  
 21 appropriate relief, including injunctive relief for a violation of  
 22 this part or a rule promulgated under this part. An action under  
 23 this subsection may be brought in the circuit court for the county  
 24 of Ingham or for the county in which the defendant is located,  
 25 resides, or is doing business. In addition to any other relief  
 26 granted under this subsection, the court may impose a civil fine of  
 27 not more than \$25,000.00 for each instance of violation and, if the  
 28 violation is continuous, for each day of continued noncompliance. A  
 29 fine collected under this subsection ~~shall~~ **must** be forwarded to the

1 state treasurer for deposit in the general fund.

2 (2) A person who possesses, generates, processes, collects,  
3 transports, or disposes of waste in violation of this part, or  
4 contrary to a license, permit, order, or rule issued or promulgated  
5 under this part, or who makes a false statement, representation, or  
6 certification in an application for, or form pertaining to, a  
7 permit or license, is guilty of a misdemeanor, punishable by a fine  
8 of not more than \$25,000.00 for each instance of violation and, if  
9 the violation is continuous, for each day of violation, or  
10 imprisonment for not more than 1 year, or both. If the conviction  
11 is for a violation committed after a first conviction of the person  
12 under this subsection, the person is guilty of a misdemeanor,  
13 punishable by a fine of not more than \$50,000.00 for each instance  
14 of violation and, if the violation is continuous, for each day of  
15 violation, or by imprisonment for not more than 5 years, or both.

16 (3) Any person who knowingly possesses, generates, processes,  
17 collects, transports, or disposes of waste in violation of  
18 subsection (2) and who knows at that time that ~~he or she~~ **the person**  
19 thereby places another person in imminent danger of death or  
20 serious bodily injury, and if ~~his or her~~ **the person's** conduct in  
21 the circumstances manifests an unjustified and inexcusable  
22 disregard for human life, or if ~~his or her~~ **the person's** conduct in  
23 the circumstances manifests an extreme indifference for human life,  
24 is guilty of a misdemeanor, punishable by a fine of not more than  
25 \$250,000.00 or imprisonment for not more than 2 years, or both,  
26 except that any person whose actions constitute an extreme  
27 indifference for human life is guilty of a felony punishable by a  
28 fine of not less than \$250,000.00 and not more than \$500,000.00 and  
29 imprisonment for not less than 5 years and not more than 20 years.

1 A defendant that is not an individual and not a governmental entity  
 2 ~~shall be~~ **is** subject, upon conviction, to a fine of not more than  
 3 \$1,000,000.00.

4 (4) For the purposes of subsection (3), a person's state of  
 5 mind is knowing with respect to:

6 (a) ~~His or her~~ **The person's** conduct, if ~~he or she~~ **the person**  
 7 is aware of the nature of ~~his or her~~ **the person's** conduct.

8 (b) An existing circumstance, if ~~he or she~~ **the person** is aware  
 9 or believes that the circumstance exists.

10 (c) A result of ~~his or her~~ **the person's** conduct, if ~~he or she~~  
 11 **the person** is aware or believes that ~~his or her~~ **the person's**  
 12 conduct is substantially certain to cause danger of death or  
 13 serious bodily injury.

14 (5) For purposes of subsection (3), in determining whether a  
 15 defendant who is an individual knew that ~~his or her~~ **the person's**  
 16 conduct placed another person in imminent danger of death or  
 17 serious bodily injury, both of the following apply:

18 (a) The person is responsible only for actual awareness or  
 19 actual belief that ~~he or she~~ **the person** possessed.

20 (b) Knowledge possessed by a person other than the defendant  
 21 but not by the defendant ~~himself or herself~~ **personally** may not be  
 22 attributed to the defendant. However, in proving the defendant's  
 23 possession of actual knowledge, circumstantial evidence may be  
 24 used, including evidence that the defendant took affirmative steps  
 25 to shield ~~himself or herself~~ **the defendant** from relevant  
 26 information.

27 (6) It is an affirmative defense to a prosecution under this  
 28 part that the conduct charged was consented to by the person  
 29 endangered and that the danger and conduct charged were reasonably

1 foreseeable hazards of either of the following:

2 (a) An occupation, business, profession, or through the  
3 undertaking of an inspection of the disposal site as a  
4 representative of the local monitoring committee of the host site  
5 community.

6 (b) Medical treatment or professionally approved methods and  
7 such other person had been made aware of the risks involved prior  
8 to giving consent.

9 (7) The defendant may establish an affirmative defense under  
10 subsection (6) by a preponderance of the evidence.

11 (8) For purposes of subsection (3), "serious bodily injury"  
12 means each of the following:

13 (a) Bodily injury which involves a substantial risk of death.

14 (b) Unconsciousness.

15 (c) Extreme physical pain.

16 (d) Protracted and obvious disfigurement.

17 (e) Protracted loss or impairment of the function of a bodily  
18 member, organ, or mental faculty.

19 (9) In addition to a fine, the attorney general may bring an  
20 action in a court of competent jurisdiction to recover the full  
21 value of the damage done to the natural resources of this state and  
22 the costs of surveillance and enforcement by the state resulting  
23 from the violation. The damages and cost collected under this  
24 subsection shall be forwarded to the state treasurer for deposit in  
25 the general fund.

26 (10) The court, in issuing a final order in an action brought  
27 under this part, may award costs of litigation, including  
28 reasonable attorney and expert witness fees to a party, including  
29 the state, if the court determines that the award is appropriate.

1           (11) A person who has an interest which is or may be affected  
2 by a civil or administrative action commenced under this part shall  
3 have a right to intervene in that action.

4           Sec. 20919. (1) A medical control authority shall establish  
5 written protocols for the practice of life support agencies and  
6 licensed emergency medical services personnel within its region.  
7 The medical control authority shall develop and adopt the protocols  
8 required under this section in accordance with procedures  
9 established by the department and shall include all of the  
10 following:

11           (a) The acts, tasks, or functions that may be performed by  
12 each type of emergency medical services personnel licensed under  
13 this part.

14           (b) Medical protocols to ensure the appropriate dispatching of  
15 a life support agency based upon medical need and the capability of  
16 the emergency medical services system.

17           (c) Protocols for complying with the Michigan do-not-  
18 resuscitate procedure act, 1996 PA 193, MCL 333.1051 to 333.1067.

19           (d) Protocols defining the process, actions, and sanctions a  
20 medical control authority may use in holding a life support agency  
21 or emergency medical services personnel accountable.

22           (e) Protocols to ensure that if the medical control authority  
23 determines that an immediate threat to the public health, safety,  
24 or welfare exists, appropriate action to remove medical control can  
25 immediately be taken until the medical control authority has had  
26 the opportunity to review the matter at a medical control authority  
27 hearing. The protocols must require that the hearing is held within  
28 3 business days after the medical control authority's  
29 determination.

1 (f) Protocols to ensure that if medical control has been  
2 removed from a participant in an emergency medical services system,  
3 the participant does not provide prehospital care until medical  
4 control is reinstated and that the medical control authority that  
5 removed the medical control notifies the department of the removal  
6 within 1 business day.

7 (g) Protocols to ensure that a quality improvement program is  
8 in place within a medical control authority and provides data  
9 protection as provided in 1967 PA 270, MCL 331.531 to 331.534.

10 (h) Protocols to ensure that an appropriate appeals process is  
11 in place.

12 (i) Protocols to ensure that each life support agency that  
13 provides basic life support, limited advanced life support, or  
14 advanced life support is equipped with epinephrine or epinephrine  
15 auto-injectors and that each emergency medical services personnel  
16 authorized to provide those services is properly trained to  
17 recognize an anaphylactic reaction, to administer the epinephrine,  
18 and to dispose of the epinephrine auto-injector or vial.

19 (j) Protocols to ensure that each life support vehicle that is  
20 dispatched and responding to provide medical first response life  
21 support, basic life support, or limited advanced life support is  
22 equipped with an automated external defibrillator and that each  
23 emergency medical services personnel is properly trained to utilize  
24 the automated external defibrillator.

25 (k) Protocols to ensure that each life support vehicle that is  
26 dispatched and responding to provide medical first response life  
27 support, basic life support, or limited advanced life support is  
28 equipped with opioid antagonists and that each emergency medical  
29 services personnel is properly trained to administer opioid

1 antagonists. However, a medical control authority, at its  
2 discretion, may rescind or continue the protocol adopted under this  
3 subdivision.

4 (1) Protocols for complying with part 56B.

5 (2) A medical control authority shall not establish a protocol  
6 under this section that conflicts with the Michigan do-not-  
7 resuscitate procedure act, 1996 PA 193, MCL 333.1051 to 333.1067,  
8 or part 56B.

9 (3) The department shall establish procedures for the  
10 development and adoption of written protocols under this section.  
11 The procedures must include at least all of the following  
12 requirements:

13 (a) At least 60 days before the adoption of a protocol, the  
14 medical control authority shall circulate a written draft of the  
15 proposed protocol to all significantly affected persons within the  
16 emergency medical services system served by the medical control  
17 authority and submit the written draft to the department for  
18 approval.

19 (b) The department shall review a proposed protocol for  
20 consistency with other protocols concerning similar subject matter  
21 that have already been established in this state and shall consider  
22 any written comments received from interested persons in its  
23 review.

24 (c) Within 60 days after receiving a written draft of a  
25 proposed protocol from a medical control authority, the department  
26 shall provide a written recommendation to the medical control  
27 authority with any comments or suggested changes on the proposed  
28 protocol. If the department does not respond within 60 days after  
29 receiving the written draft, the proposed protocol is considered to

1 be approved by the department.

2 (d) After department approval of a proposed protocol, the  
3 medical control authority may formally adopt and implement the  
4 protocol.

5 ~~(c) A medical control authority may establish an emergency  
6 protocol necessary to preserve the health or safety of individuals  
7 within its region in response to a present medical emergency or  
8 disaster without following the procedures established by the  
9 department under this subsection for an ordinary protocol. An  
10 emergency protocol established under this subdivision is effective  
11 only for a limited period and does not take permanent effect unless  
12 it is approved according to the procedures established by the  
13 department under this subsection.~~

14 (4) A medical control authority shall provide an opportunity  
15 for an affected participant in an emergency medical services system  
16 to appeal a decision of the medical control authority. Following  
17 appeal, the medical control authority may affirm, suspend, or  
18 revoke its original decision. After appeals to the medical control  
19 authority have been exhausted, the affected participant in an  
20 emergency medical services system may appeal the medical control  
21 authority's decision to the state emergency medical services  
22 coordination committee created in section 20915. The state  
23 emergency medical services coordination committee shall issue an  
24 opinion on whether the actions or decisions of the medical control  
25 authority are in accordance with the department-approved protocols  
26 of the medical control authority and state law. If the state  
27 emergency medical services coordination committee determines in its  
28 opinion that the actions or decisions of the medical control  
29 authority are not in accordance with the medical control

1 authority's department-approved protocols or with state law, the  
2 state emergency medical services coordination committee shall  
3 recommend that the department take any enforcement action  
4 authorized under this code.

5 (5) If adopted in protocols approved by the department, a  
6 medical control authority may require life support agencies within  
7 its region to meet reasonable additional standards for equipment  
8 and personnel, other than medical first responders, that may be  
9 more stringent than are otherwise required under this part. If a  
10 medical control authority proposes a protocol that establishes  
11 additional standards for equipment and personnel, the medical  
12 control authority and the department shall consider the medical and  
13 economic impact on the local community, the need for communities to  
14 do long-term planning, and the availability of personnel. If either  
15 the medical control authority or the department determines that  
16 negative medical or economic impacts outweigh the benefits of those  
17 additional standards as they affect public health, safety, and  
18 welfare, the medical control authority shall not adopt and the  
19 department shall not approve protocols containing those additional  
20 standards.

21 (6) If adopted in protocols approved by the department, a  
22 medical control authority may require medical first response  
23 services and licensed medical first responders within its region to  
24 meet additional standards for equipment and personnel to ensure  
25 that each medical first response service is equipped with an  
26 epinephrine auto-injector, and that each licensed medical first  
27 responder is properly trained to recognize an anaphylactic reaction  
28 and to administer and dispose of the epinephrine auto-injector, if  
29 a life support agency that provides basic life support, limited

1 advanced life support, or advanced life support is not readily  
2 available in that location.

3 (7) If a decision of the medical control authority under  
4 subsection (5) or (6) is appealed by an affected person, the  
5 medical control authority shall make available, in writing, the  
6 medical and economic information it considered in making its  
7 decision. On appeal, the state emergency medical services  
8 coordination committee created in section 20915 shall review this  
9 information under subsection (4) and shall issue its findings in  
10 writing.

11 Enacting section 1. Sections 1299, 2241, 2242, 2243, 2244,  
12 2245, 2246, 2255, 2261, 2262, 2263, 2437, 2443, 2446, 2455, 2461,  
13 2462, 2463, and 2465 of the public health code, 1978 PA 368, MCL  
14 333.1299, 333.2241, 333.2242, 333.2243, 333.2244, 333.2245,  
15 333.2246, 333.2255, 333.2261, 333.2262, 333.2263, 333.2437,  
16 333.2443, 333.2446, 333.2455, 333.2461, 333.2462, 333.2463, and  
17 333.2465, are repealed.

# HOUSE BILL NO. 5527

February 29, 2024, Introduced by Reps. Fitzgerald, Tyrone Carter, Martus, Glanville, Wilson, Scott, Liberati, McKinney, Edwards, Dievendorf, Snyder and Haadsma and referred to the Committee on Regulatory Reform.

A bill to amend 1941 PA 207, entitled  
"Fire prevention code,"  
by amending section 19 (MCL 29.19), as amended by 2014 PA 481, and  
by adding section 19b.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 19. (1) The chief administrative officer and the teachers  
2 of all schools, including state supported schools, and the owner,  
3 or owner's representative, of all school dormitories shall have a  
4 fire drill each month and ensure unrestricted emergency egress  
5 during school hours and when the school is open to the public. Each  
6 teacher in a school, including a state supported school, and the

1 owner or owner's representative of a school dormitory shall comply  
2 with these requirements and keep a record of the drills.

3 (2) Except as provided in subsection (3), a minimum of 8 fire  
4 drills is required for each school year. If weather conditions do  
5 not permit fire drills to be held at least once a month, then at  
6 least 5 fire drills ~~shall~~**must** be held in the fall of each year and  
7 3 fire drills ~~shall~~**must** be held during the remaining part of the  
8 school year.

9 (3) A minimum of 5 fire drills is required for each school  
10 year for a school that operates any of grades ~~kindergarten~~**K** to 12.  
11 Three of the fire drills ~~shall~~**must** be held by December 1 of the  
12 school year, and 2 ~~shall~~**must** be held during the remaining part of  
13 the school year, with a reasonable spacing interval between each  
14 drill.

15 (4) A minimum of 2 tornado safety drills is required for each  
16 school year at the schools and facilities described in subsection  
17 (1). At least 1 of the tornado safety drills ~~shall~~**must** be  
18 conducted during March of the school year. These drills ~~shall~~**must**  
19 be conducted for the purpose of preventing injuries caused by  
20 severe weather.

21 (5) A minimum of 3 drills in which the occupants are  
22 restricted to the interior of the building and the building secured  
23 is required for each school year at a school that operates any of  
24 grades ~~kindergarten~~**K** to 12. At least 1 of these drills ~~shall~~**must**  
25 be conducted by December 1 of the school year, and at least 1 ~~shall~~  
26 **must** be conducted after January 1 of the school year, with a  
27 reasonable spacing interval between each drill. A drill conducted  
28 under this subsection ~~shall~~**must** include security measures that are  
29 appropriate to an emergency such as the release of a hazardous

1 material or the presence of a potentially dangerous individual on  
2 or near the premises. The governing body of a school shall seek  
3 input from the administration of the school and local public safety  
4 officials on the nature of the drills to be conducted under this  
5 subsection.

6 (6) A school that operates any of grades ~~kindergarten-K~~ to 12  
7 shall conduct at least 1 of the drills required by this section  
8 during a lunch or recess period, or at another time when a  
9 significant number of the students are gathered but not in the  
10 classroom.

11 (7) For a school that operates any of grades ~~kindergarten-K~~ to  
12 12, the governing body of the school shall ensure that  
13 documentation of a completed school safety drill is posted on its  
14 website ~~within~~ **not later than** 30 school days after the drill is  
15 completed and is maintained on the website for at least 3 years.  
16 For a school operated by a school district or intermediate school  
17 district, the documentation may be posted on the district website.  
18 The documentation posted on the website ~~shall~~ **must** include at least  
19 all of the following:

20 (a) The name of the school.

21 (b) The school year of the drill.

22 (c) The date and time of the drill.

23 (d) The type of drill completed.

24 (e) The number of completed drills for that school year for  
25 each type of drill required under subsections (3) to (5).

26 (f) The signature of the school principal or ~~his or her~~ **the**  
27 **school principal's** designee acknowledging the completion of the  
28 drill.

29 (g) The name of the individual in charge of conducting the

1 drill, if other than the school principal.

2 (8) Not later than September 15 of each school year, the chief  
3 administrator of a school that operates any of grades ~~kindergarten~~  
4 **K** to 12, or ~~his or her~~ **the chief administrator's** designee, shall  
5 provide a list of the scheduled drill days for the school buildings  
6 operated by the school, school district, intermediate school  
7 district, or public school academy to the county emergency  
8 management coordinator appointed under section 9 of the emergency  
9 management act, 1976 PA 390, MCL 30.409. A scheduled drill that is  
10 not conducted on a scheduled drill day due to conditions not within  
11 the control of school authorities, such as severe storms, fires,  
12 epidemics, utility power unavailability, water or sewer failure, or  
13 health conditions as defined by the city, county, or state health  
14 authorities, will not result in a violation of this section ~~as long~~  
15 ~~as if~~ the school conducts the minimum number of drills required  
16 under subsections (3) ~~, (4), and~~ **to** (5), the school reschedules the  
17 drill to occur ~~within~~ **not later than** 10 school days after the  
18 scheduled date of the canceled drill, and the chief administrator  
19 notifies the county emergency management coordinator of the  
20 rescheduled date for the drill. The county emergency management  
21 coordinator shall provide this information to the appropriate local  
22 emergency management coordinator appointed under ~~that section,~~  
23 **section 9 of the emergency management act, 1976 PA 390, MCL 30.409,**  
24 if any, and, consistent with applicable federal, state, and local  
25 emergency operations plans, to the department of state police  
26 district coordinator and the county sheriff for the county or the  
27 chief of police or fire chief for the municipality where the school  
28 is located, or the designee of the sheriff, chief of police, or  
29 fire chief. The information provided under this subsection is

1 exempt from disclosure under the freedom of information act, 1976  
2 PA 442, MCL 15.231 to 15.246.

3 (9) A public school that operates any of grades ~~kindergarten~~<sup>K</sup>  
4 to 12 shall not conduct a drill required under this section at a  
5 time that would interfere with the conduct of a state-mandated  
6 assessment.

7 (10) The state fire marshal, a fire chief, or a firefighter in  
8 uniform acting under orders and directions of the fire chief may  
9 cause fire drills to be held in school houses, school dormitories,  
10 and other public buildings as the state fire marshal considers  
11 advisable. The state fire marshal may order the installation of  
12 other protective apparatus or equipment that conforms to recognized  
13 and approved modern practices.

14 (11) The department of state police emergency management and  
15 homeland security division shall develop a model to be used by a  
16 school in conducting a drill under subsection (5).

17 ~~(12) The governing body of a school that operates any of~~  
18 ~~grades kindergarten to 12 shall adopt and implement a cardiac~~  
19 ~~emergency response plan for the school. The cardiac emergency~~  
20 ~~response plan shall address and provide for at least all of the~~  
21 ~~following:~~

22 ~~(a) Use and regular maintenance of automated external~~  
23 ~~defibrillators, if available.~~

24 ~~(b) Activation of a cardiac emergency response team during an~~  
25 ~~identified cardiac emergency.~~

26 ~~(c) A plan for effective and efficient communication~~  
27 ~~throughout the school campus.~~

28 ~~(d) If the school includes grades 9 to 12, a training plan for~~  
29 ~~the use of an automated external defibrillator and in~~

1 ~~cardiopulmonary resuscitation techniques.~~

2 ~~(e) Incorporation and integration of the local emergency~~  
 3 ~~response system and emergency response agencies with the school's~~  
 4 ~~plan.~~

5 ~~(f) An annual review and evaluation of the cardiac emergency~~  
 6 ~~response plan.~~

7 **(12)** ~~(13)~~ As used in this section:

8 (a) "School" does not include a postsecondary educational  
 9 institution as **that term is** defined in section 19a.

10 (b) "School dormitory" does not include a postsecondary  
 11 educational institution dormitory as **that term is** defined in  
 12 section 19a.

13 **Sec. 19b. (1) Beginning with the 2025-2026 school year, the**  
 14 **governing body of a public school shall develop a cardiac emergency**  
 15 **response plan that includes the use of school personnel to respond**  
 16 **to a sudden cardiac arrest, or another similar life-threatening**  
 17 **emergency, on the school's campus.**

18 **(2) Beginning with the 2025-2026 school year, the governing**  
 19 **body of a public school with an athletic department or organized**  
 20 **athletic program shall develop a cardiac emergency response plan**  
 21 **that includes the use of school personnel to respond to a sudden**  
 22 **cardiac arrest, or another similar life-threatening emergency, at a**  
 23 **school-sponsored athletic event.**

24 **(3) A cardiac emergency response plan required under this**  
 25 **section must be based on American Heart Association guidelines or**  
 26 **other nationally recognized and evidence-based guidelines. The**  
 27 **cardiac emergency response plan must provide for, but is not**  
 28 **limited to, all of the following:**

29 **(a) The establishment of a cardiac emergency response team.**

1           (b) The activation of the cardiac emergency response team  
2 during a sudden cardiac arrest or another similar life-threatening  
3 emergency.

4           (c) The placement of automated external defibrillators  
5 throughout the school's campus and athletic facilities in  
6 accordance with American Heart Association guidelines, including,  
7 but not limited to, the requirement that automated external  
8 defibrillators must be accessible within 1 to 3 minutes of a  
9 cardiac emergency.

10           (d) The routine maintenance of the school's automated external  
11 defibrillators.

12           (e) The dissemination of the cardiac emergency response plan  
13 throughout the school's campus.

14           (f) The ongoing training of school personnel as described in  
15 subsection (4).

16           (g) The use of annual drills to practice the steps established  
17 in the cardiac emergency response plan.

18           (h) The integration of the cardiac emergency response plan  
19 with the local emergency response system and emergency response  
20 agencies.

21           (i) The ongoing and annual review of the cardiac emergency  
22 response plan.

23           (4) Public school personnel that are included in a cardiac  
24 emergency response plan required under this section must be trained  
25 in all of the following:

26           (a) Cardiopulmonary resuscitation.

27           (b) First aid.

28           (c) The use of an automated external defibrillator, in  
29 accordance with American Heart Association guidelines.

1           (5) The governing body of a public school and the local  
2 emergency response system and emergency response agencies shall  
3 integrate the school's cardiac emergency response plan or plans  
4 into the protocols of the local emergency response system and  
5 emergency response agencies.

6           (6) The legislature shall annually appropriate to the  
7 department of education an amount sufficient to administer and  
8 comply with this section. Schools are not required to comply with  
9 this section unless the legislature has appropriated sufficient  
10 funds to implement the requirements of this section.

11           (7) As used in this section:

12           (a) "Automated external defibrillator" means a lightweight,  
13 portable device that can deliver an electric shock through an  
14 individual's chest to the individual's heart to potentially stop an  
15 irregular heartbeat, or arrhythmia, and allow normal rhythm to  
16 resume after a sudden cardiac arrest.

17           (b) "Cardiac emergency response plan" means a written document  
18 that establishes specific steps to reduce the chance of death from  
19 sudden cardiac arrest or another similar life-threatening  
20 emergency.

21           (c) "Public school" means that term as defined in section 5 of  
22 the revised school code, 1976 PA 451, MCL 380.5.

23           (d) "Sudden cardiac arrest" means an incident when an  
24 individual's heart malfunctions and unexpectedly stops beating.

# HOUSE BILL NO. 5528

February 29, 2024, Introduced by Reps. Tyrone Carter, Fitzgerald, Wilson, Martus, Liberati, Scott, McKinney, Edwards, Dievendorf, Snyder and Haadsma and referred to the Committee on Regulatory Reform.

A bill to amend 1976 PA 451, entitled  
"The revised school code,"  
(MCL 380.1 to 380.1852) by adding section 1319.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1           Sec. 1319. (1) Beginning with the 2025-2026 school year, the  
2 board of a school district or intermediate school district or board  
3 of directors of a public school academy shall not permit an  
4 individual to serve as an athletic coach at a high school operated  
5 by the board or board of directors unless that individual has  
6 obtained a valid certification in cardiopulmonary resuscitation and

1 use of an automated external defibrillator issued by the American  
2 Red Cross, American Heart Association, or a comparable organization  
3 or institution approved by the department.

4 (2) An individual described in this section who performs  
5 cardiopulmonary resuscitation or uses an automated external  
6 defibrillator in the course of that individual's employment as an  
7 athletic coach is not liable in a civil action for damages  
8 resulting from an act or omission occurring in that performance  
9 except an act or omission constituting gross negligence or willful  
10 or wanton misconduct.

# HOUSE BILL NO. 5526

February 28, 2024, Introduced by Rep. Weiss and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
(MCL 333.1101 to 333.25211) by adding sections 16112 and 20135.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           **Sec. 16112. An individual who is licensed, registered, or**  
2 **otherwise authorized to engage in a health profession under this**  
3 **article shall comply with section 20135.**

4           **Sec. 20135. (1) Except as otherwise provided in this section,**  
5 **a health care provider shall not refuse to provide health care**

1 services or supplies to a patient based solely on the patient's  
2 refusal to allow the health care provider to photocopy or scan the  
3 patient's driver license or Michigan personal identification card.  
4 This section does not prohibit a health care provider from viewing  
5 the license or card to verify the patient's identity or from  
6 capturing data from the license or card for the health care  
7 provider's database.

8 (2) As used in this section, "health care provider" means any  
9 of the following:

10 (a) An individual who is licensed, registered, or otherwise  
11 authorized to engage in a health profession under article 15.

12 (b) A health facility or agency licensed or certified under  
13 this article.

## EMS Related Legislation

Bill	Year	Status	Subject Matter	Date of Last Action	EMS CC Position	Level
SB 249	2023	Passed Senate; House Government Operations Committee	State Paramedic Exam	02/28/2024	Support	State
HB 4613 & 4614	2023	Passed House; Senate Veterans & Emergency Services Comm.	Temporary EMS License	02/13/2024	Support	State
SB 627, 628, 629	2023	Senate Committee on Housing and Human Services	Safe Delivery of Newborns	11/01/2023	Oppose	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	No Action	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