

Michigan Vaccine Exemption Laws

PUBLIC HEALTH CODE

Act 368 of 1978

Part 92

IMMUNIZATION

333.9201 Definitions; principles of construction.

Sec. 9201.

(1) As used in this part:

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

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

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

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

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

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

Sec. 9203.

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

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

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

333.9204 Administration of immunizing agent.

Sec. 9204.

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

333.9205 Immunization of child required.

Sec. 9205.

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

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

Sec. 9205a.

(1) The department shall identify materials that contain information regarding the risks associated with meningococcal disease and the availability, effectiveness, and potential risks of immunization for meningococcal disease, and other diseases about which the department may recommend immunization or immunization information.

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

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

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

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

Sec. 9205b.

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

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

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

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

Sec. 9206.

(1) The health care provider administering an immunizing agent to a child shall present the person accompanying the child with a written certificate of immunization, or make an entry of the immunization on a certificate in the person's possession. The certificate shall be in a form prescribed by the department and shall indicate the diseases or infections for which the child has been immunized, the number of doses given, the dates when administered, and whether further immunizations are indicated.

(2) Before administering an immunizing agent to a child, a health care provider shall notify the parent, guardian, or person in loco parentis of the child, on a form provided by the department, of the right to object to the reporting requirement of subsection (3).

(3) Unless the parent, guardian, or person in loco parentis of the child who received the immunizing agent objects by written notice received by the health care provider prior to reporting, a health care provider shall report to the department each immunization administered by the health care provider, pursuant to rules promulgated under section 9227. If the parent, guardian, or person in loco parentis of the child who was immunized objects to the reporting requirement of this subsection by written notice received by the health care provider prior to notification, the health care provider shall not report the immunization.

(4) A health care provider who complies or fails to comply in good faith with subsection (3) is not liable in a civil action for damages as a result of an act or omission during the compliance, except an act or omission constituting gross negligence or willful and wanton misconduct.

(5) As used in this section, "health care provider" means a health professional, health facility, or local health department.

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

Sec. 9207.

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

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

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

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

Sec. 9208.

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

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

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

Sec. 9209.

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

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

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

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

school attendance. A child who enters school at any other time of the school year and who has not completed the immunizations required under section 9227 and has not filed an exemption under section 9215 within 4 months after entrance shall be excluded from school attendance.

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

Sec. 9211.

(1) A parent, guardian, or person in loco parentis applying to have a preschool aged child registered in a program of group residence, care, or camping shall present to the operator of the program at the time of registration or not later than the first day of the program a certificate of immunization or a statement of exemption under section 9215. The operator of the group program shall not permit a child to attend the group activity unless a minimum of 1 dose of an immunizing agent against each of the diseases specified by the department has been received and certified to by a health professional or local health department. A parent, guardian, or person in loco parentis of a child registered with only these minimum doses of an immunizing agent and continuing enrollment in the group program shall present an updated certificate of immunization within 4 months after initial attendance showing that the immunizations have been completed as prescribed by the department, if the child remains in the program.

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

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

Sec. 9212.

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

333.9215 Exemptions.

Sec. 9215.

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

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

333.9221 Enforcement; cooperation.

Sec. 9221.

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

333.9227 Rules.

Sec. 9227.

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

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

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

333.9229 Violation as misdemeanor.

Sec. 9229.

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

Source: Michigan Legislature. (2009, January, 1). [wwwdocument] URL.
[http://www.legislature.mi.gov/\(S\(e3ldk245ik4idi554oasvd55\)\)/mileg.aspx?page=getobject&objectname=mcl-368-1978-9-92&query=on&highlight=immunization#1](http://www.legislature.mi.gov/(S(e3ldk245ik4idi554oasvd55))/mileg.aspx?page=getobject&objectname=mcl-368-1978-9-92&query=on&highlight=immunization#1)

**MICHIGAN ADMINISTRATIVE CODE
DEPARTMENT OF COMMUNITY HEALTH
BUREAU OF EPIDEMIOLOGY
COMMUNICABLE AND RELATED DISEASES**

R 325.176 Immunizations required of children attending group programs or entering school.

Rule 6.

(1) As used in this rule:

(a) "Certificate of immunization" means a medical, health department, school, or personal record which indicates the dates when each dose of a vaccine was given to an individual and which is certified by a health professional or local health department.

(b) "Exemption" means a temporary or permanent waiver of 1 or more of the specific immunization requirements for medical, religious, or other reasons.

(c) "Medical exemption" means a written statement from a physician that a vaccination is medically contraindicated for a particular child for a specified period of time.

(d) "Religious or other exemption" means a written statement which is signed by the parent, guardian, or person in loco parentis of a child, which certifies that immunization is in conflict with religious or other convictions of the signer, and which includes the name and date of birth of the child.

(e) "Vaccine" means an agent for immunization against an infection or disease caused by an infectious agent.

(2) A child who is 2 months through 3 months of age and who is registered in a program of group residence or care shall have received at least all of the following vaccines:

(a) One dose of any appropriate diphtheria vaccine.

(b) One dose of any appropriate tetanus vaccine.

(c) One dose of any appropriate pertussis vaccine.

(d) One dose of any appropriate poliovirus vaccine.

(e) One dose of any appropriate Haemophilus influenzae type b vaccine.

(f) One dose of any appropriate hepatitis B vaccine or a laboratory finding of hepatitis B immunity or disease satisfies this requirement.

(g) Effective January 1, 2007, 1 dose of any appropriate pneumococcal conjugate vaccine.

(3) A child who is 4 months through 5 months of age and who is registered in a program of group residence or care shall have received at least all of the following vaccines:

- (a) Two doses of any appropriate diphtheria vaccine.
- (b) Two doses of any appropriate tetanus vaccine.
- (c) Two doses of any appropriate pertussis vaccine.
- (d) Two doses of any appropriate poliovirus vaccine.
- (e) Two doses of any appropriate Haemophilus influenzae type b vaccine.
- (f) Two doses of any appropriate hepatitis B vaccine or a laboratory finding of hepatitis B immunity or disease satisfies this requirement.
- (g) Effective January 1, 2007, 2 doses of any appropriate pneumococcal conjugate vaccine.

(4) A child who is 6 months through 14 months of age and who is registered in a program of group residence or care shall have received at least all of the following vaccines:

- (a) Three doses of any appropriate diphtheria vaccine.
- (b) Three doses of any appropriate tetanus vaccine.
- (c) Three doses of any appropriate pertussis vaccine.
- (d) Two doses of any appropriate poliovirus vaccine.
- (e) Two doses of any appropriate Haemophilus influenzae type b vaccine.
- (f) Two doses of any appropriate hepatitis B vaccine or a laboratory finding of hepatitis B immunity or disease satisfies this requirement.
- (g) Effective January 1, 2007, pneumococcal conjugate vaccine as shown by either of the following:
 - (i) Three doses of any appropriate pneumococcal conjugate vaccine.
 - (ii) Receipt of an age appropriate complete series of any appropriate pneumococcal conjugate vaccine.

(5) A child who is 15 months through 23 months of age and who is registered in a program of group residence, care, or camping shall have received at least all of the following vaccines:

- (a) Four doses of any appropriate diphtheria vaccine.
- (b) Four doses of any appropriate tetanus vaccine.
- (c) Four doses of any appropriate pertussis vaccine.
- (d) Three doses of any appropriate poliovirus vaccine.

(e) Haemophilus Influenzae type B vaccine age as shown by either of the following:

(i) Receipt of 1 dose of any appropriate haemophilus influenzae type b vaccine at or after 15 months of age.

(ii) Receipt of a complete series of any appropriate haemophilus influenzae type b vaccine.

(f) One dose of any appropriate live measles vaccine at or after 12 months of age. A laboratory finding of measles immunity satisfies this requirement.

(g) One dose of any appropriate live mumps vaccine at or after 12 months of age. A laboratory finding of mumps immunity satisfies this requirement.

(h) One dose of any appropriate live rubella vaccine at or after 12 months of age. A laboratory finding of rubella immunity satisfies this requirement.

(i) Have evidence of hepatitis B immunity as shown by either 3 doses of any appropriate hepatitis B vaccine or a laboratory finding of hepatitis B immunity or disease satisfies this requirement.

(j) Have evidence of varicella immunity as shown by any of the following:

(i) One dose of any appropriate varicella vaccine at or after 12 months of age.

(ii) Laboratory evidence of varicella immunity.

(iii) A parent, guardian, person in loco parentis, or physician statement that the child has had varicella disease.

(k) Effective January 1, 2007, pneumococcal conjugate vaccine as shown by either of the following:

(i) Four doses of any appropriate pneumococcal conjugate vaccine.

(ii) Receipt of an age appropriate complete series of any appropriate pneumococcal conjugate vaccine.

(6) A child who is 24 months through 4 years of age and who is registered in a program of group residence, care, or camping shall have received at least all of the following vaccines:

(a) Four doses of any appropriate diphtheria vaccine.

(b) Four doses of any appropriate tetanus vaccine.

(c) Four doses of any appropriate pertussis vaccine.

(d) Three doses of any appropriate poliovirus vaccine.

(e) Haemophilus influenzae type b vaccine as shown by either of the following:

(i) Receipt of 1 dose of any appropriate Haemophilus influenzae type b vaccine at or after 15 months of age.

(ii) Receipt of a complete series of any appropriate Haemophilus influenzae type b vaccine.

(f) One dose of any appropriate live measles vaccine at or after 12 months of age. A laboratory finding of measles immunity satisfies this requirement.

(g) One dose of any appropriate live mumps vaccine at or after 12 months of age. A laboratory finding of mumps immunity satisfies this requirement.

(h) One dose of any appropriate live rubella vaccine at or after 12 months of age. A laboratory finding of rubella immunity satisfies this requirement.

(i) Three doses of any appropriate hepatitis B vaccine or a laboratory finding of hepatitis B immunity or disease satisfies this requirement.

(j) Have evidence of varicella immunity as shown by any of the following:

(i) One dose of any appropriate varicella vaccine at or after 12 months of age.

(ii) Laboratory evidence of varicella immunity.

(iii) A parent, guardian, person in loco parentis, or physician statement that the child has had varicella disease.

(k) Effective January 1, 2007, pneumococcal conjugate vaccine as shown by either of the following:

(i) Receipt of an age appropriate complete series of any appropriate pneumococcal conjugate vaccine.

(ii) Receipt of 1 dose of any appropriate pneumococcal conjugate vaccine at or after 24 months of age.

(7) A child who is 5 years of age and who is registered in a program of group residence, care, or camping shall have received at least all of the following vaccines:

(a) Four doses of any appropriate diphtheria vaccine.

(b) Four doses of any appropriate tetanus vaccine.

(c) Four doses of any appropriate pertussis vaccine.

(d) Three doses of any appropriate poliovirus vaccine.

(e) One dose of any appropriate live measles vaccine at or after 12 months of age. A laboratory finding of measles immunity satisfies this requirement.

(f) One dose of any appropriate live mumps vaccine at or after 12 months of age. A laboratory finding of mumps immunity satisfies this requirement.

(g) One dose of any appropriate live rubella vaccine at or after 12 months of age. A laboratory finding of rubella immunity satisfies this requirement.

(h) Three doses of any appropriate hepatitis B vaccine or a laboratory finding of hepatitis B immunity or disease satisfies this requirement.

(i) Have evidence of varicella immunity as shown by any of the following:

(i) One dose of any appropriate varicella vaccine at or after 12 months of age.

(ii) Laboratory evidence of varicella immunity.

(iii) A parent, guardian, person in loco parentis, or physician statement that the child has had varicella disease.

(8) A child who is 4 years through 6 years of age and who is entering school shall be in compliance with all of the following immunization requirements:

(a) Have received 4 doses of any appropriate diphtheria vaccine and, if a dose was not received on or after the fourth birthday, a booster dose at school entry.

(b) Have received 4 doses of any appropriate tetanus vaccine and, if a dose was not received on or after the fourth birthday, a booster dose at school entry.

(c) Have received 4 doses of any appropriate pertussis vaccine and, if a dose was not received on or after the fourth birthday, a booster dose at school entry.

(d) Have received 4 doses of any appropriate polio vaccine. If dose 3 was administered after the fourth birthday only 3 doses are required.

(e) Have evidence of measles immunity as shown by either of the following:

(i) Two doses of any appropriate live measles vaccine received after the first birthday, not less than 28 days apart.

(ii) Laboratory evidence of measles immunity.

(f) Have evidence of mumps immunity as shown by either of the following:

(i) Two doses of any appropriate live mumps vaccine received after the first birthday, not less than 28 days apart.

(ii) Laboratory evidence of mumps immunity.

(g) Have evidence of rubella immunity as shown by either of the following:

(i) Two doses of any appropriate live rubella vaccine received after the first birthday, at least 28 days apart.

(ii) Laboratory evidence of rubella immunity.

(h) Three doses of any appropriate hepatitis B vaccine or a laboratory finding of hepatitis B immunity or disease satisfies this requirement.

(I) Have evidence of varicella immunity as shown by any of the following:

(i) One dose of any appropriate live varicella vaccine at or after 12 months of age.

(ii) Laboratory evidence of varicella immunity.

(iii) A parent, guardian, person in loco parentis, or physician statement that the child has had varicella disease.

(9) A child who is 7 through 18 years of age and who is entering school or enrolled in grade 6, shall be in compliance with all of the following immunization requirements:

(a) Have received 4 doses of any appropriate diphtheria vaccine ? 3 doses if the first dose was received on or after the seventh birthday and, if a dose was not received within the last 10 years, a booster dose.

(b) Have received 4 doses of any appropriate tetanus vaccine ?? 3 doses if the first dose was received on or after the seventh birthday ?? and, if a dose was not received within the last 10 years, a booster dose.

(c) Have received 3 doses of any appropriate poliovirus vaccine.

(d) Have evidence of measles immunity as shown by either of the following:

(i) Two doses of any appropriate live measles vaccine received after the first birthday, not less than 28 days apart.

(ii) Laboratory evidence of measles immunity.

(e) Have evidence of mumps immunity as shown by either of the following:

(i) Two doses of any appropriate live mumps vaccine received after the first birthday, not less than 28 days apart.

(ii) Laboratory evidence of mumps immunity.

(f) Have evidence of rubella immunity as shown by either of the following:

(i) Two doses of any appropriate live rubella vaccine received after the first birthday, not less than 28 days apart.

(ii) Laboratory evidence of rubella immunity.

(g) Receipt of a complete series of any appropriate hepatitis B vaccine or a laboratory finding of hepatitis b immunity or disease satisfies this requirement.

(h) Have evidence of varicella immunity as shown by any of the following:

(i) One dose of any appropriate live varicella vaccine at or after 12 months of age if the child received the vaccine before his or her thirteenth birthday.

(ii) Two doses of any appropriate live varicella vaccine, administered not less than 28 days apart, if the child received the first dose of vaccine at or after his or her thirteenth birthday.

(iii) Laboratory evidence of varicella immunity.

(iv) A parent, guardian, person in loco parentis, or physician statement that the child has had varicella disease.

(10) To satisfy the requirements in subrules (2) to (9) of this rule, each vaccine shall have been administered in accordance with the manufacturer's instructions. A 4-day grace leniency is allowed on the minimum ages and intervals for each vaccine.

(11) If the requirements for immunization cannot be completed due to medical reasons within 4 months of admittance, a child shall be permitted to remain enrolled in a school or group program for a reasonable length of time that is consistent with good medical practice. A statement requesting the enrollment of the child beyond the exclusion date shall be signed by a physician or local health officer and shall certify that the child is in the process of complying with all immunization requirements. This medical exemption shall be filed with the child's school or group program immunization records until it can be replaced with proof that the vaccines for which an exemption was granted have been received. Upon completion of the required immunizations, a parent shall present the school or group program with a certificate of immunization.

(12) When presented with a medical exemption, religious or other exemption, the administrator of a child's school or operator of a child's group program shall recognize the exemption status of the child.

(13) A standard record of the immunizations required by this rule and exemptions shall be maintained by every school for every pupil on forms supplied by the department. When a pupil transfers to another school or school district, the record of immunization, or a true copy of the record, shall be sent to the new school by the original school.

(14) All of the following information is needed to fulfill the requirements of section 9209(1) of the code:

(a) A listing, by child, of the number of doses of each vaccine received.

(b) The date of each immunization for each vaccine received in the series.

(c) A listing, by type of exemption granted, of the children who have exemptions.

(15) Not less than 95% of entering students in a school ?? less the entering students who have medical, religious, or other exemptions ?? shall have received vaccinations as outlined in subrules (8) and (9) of this rule.

(16) A principal of a school or operator of a group program shall make immunization records available for inspection by authorized representatives of the department or the appropriate local health department. The local health officer shall also make public clinic immunization records available to local schools or group programs for the purpose of verifying pupil immunizations.

(17) A requirement for immunization with a specific vaccine may be suspended temporarily at the request of the department director for reasons of inadequate vaccine supply.

Source: State Office of Administrative Hearings and Rules. (2009, January, 1). [wwwdocument] URL.

http://www.state.mi.us/orr/emi/admincode.asp?AdminCode=Single&Admin_Num=32500171&Dpt=&RngHigh=32599408