

SECTION IV - LEGAL REFERENCES

A. MACOMB COUNTY IMMUNIZATION REGULATIONS

This regulation shall be known as the Macomb County Immunization Regulation, enacted by the Macomb County Board of Commissioners September 27, 1979:

SECTION 1 - GENERAL PROVISIONS

ENACTING CLAUSE: The Macomb County Board of Commissioners, under the authority to adopt regulations vested in it by Sections 2433, 2441 and 2442 of Act 368 of the Public Acts of 1978, State of Michigan, hereby adopts the **Macomb County Immunization Regulation.**

POLICY STATEMENTS: This Regulation is designed to assist the Macomb County Health Department in its enforcement of State and local immunization and communicable disease laws and its general responsibility for protecting the health and safety of the citizens of Macomb County. Nothing contained in this regulation shall be construed to abrogate or supersede any other statutory or common law rights any person may have.

SECTION 2 - ENFORCEMENT

The Macomb County Health Officer or the Health Officer's authorized representative is charged with the authority and duty to apply and enforce the provisions of this regulation and any guidelines promulgated under this regulation in any township, village or city within the jurisdiction of the Macomb County Health Department.

SECTION 3 - REGULATION

No student or minor child shall be admitted to any public, private or parochial elementary or secondary school, day care center, camp or any other organized care or educational facility for preschool, elementary or secondary level operating in Macomb County unless such student or minor child can present to the appropriate school, program or day care authorities written certification from a licensed physician or authorized representative of a state or local health department that such student or minor child has received immunizations, is in the process of receiving immunizations or has otherwise demonstrated immunity against vaccine preventable diseases through serological testing using standards and practices specified by or acceptable to the Michigan Department of Public Health and the Macomb County Health Department.

SECTION 4 - CERTIFICATION

What constitutes acceptable written certification of immunization shall be subject to the approval of the Macomb County Health Department. Acceptable written certification of immunization shall include, but not be limited to, the date of month and year of each dose of every antigen required by the Macomb County Health Department.

SECTION 5 - IMMUNIZATION

The diseases to be immunized against, the antigens to be used, and manner and frequency of their administration shall be specified by the Macomb County Health Department but shall not be less than minimum standards promulgated by the Michigan Department of Public Health to enforce Part 92, Sections 9201 through 9229 of Act 368 of the Public Acts of 1978 and shall conform to accepted standard medical practices.

SECTION 6 - EXEMPTIONS

MEDICAL: Any student or minor child with a physical condition such that immunization would endanger the life or health of such student or minor child, shall submit a statement to the enforcing authorities from a licensed physician or designee, specifying which immunizations are contraindicated and the period of time the contraindication is in effect. Certification of medical exemption shall be subject to approval by the Macomb County Health Department. Children with temporary medical contraindications shall receive the appropriate immunizations after the contraindication is no longer in effect.

RELIGION & OTHER: A student or a guardian of a minor child with a religious or other objection to immunizations shall submit to the enforcing authorities a statement or objection in a form approved by the Macomb County Health Department.

SECTION 7 - EXEMPT STUDENT AND MINOR CHILDREN DURING DISEASE OUTBREAKS

Students and minor children with temporary and permanent exemptions to immunizations are susceptible to the diseases which they are not immunized against. Such students and minor children may be excluded from the school, day care centers, preschool program, camp or other facility by order of the Macomb County Health Department during periods of disease outbreaks until such time as the disease outbreak has ended.

SECTION 8 - RECORDS

A student's or minor child's written immunization history shall be incorporated into his or her permanent school, day care, preschool program and/or camp record in a form subject to the approval by the Macomb County Health Department, and shall be subject to inspection and audit by local health and education officials. Summaries of such records shall be sent to the Macomb County Health Department on dates and in a manner specified by the Department.

SECTION 9 - PROMULGATION OF ADMINISTRATIVE GUIDELINES

The Macomb County Health Department shall promulgate administrative guidelines under this regulation and shall supply or approve forms for recording the immunization history of students or minor children affected by this regulation.

SECTION 10 - SANCTIONS

PENALTIES: Any person who shall fail to comply with any provisions of this regulation or any order of the Macomb County Health Officer promulgated thereunder, shall be deemed guilty of a misdemeanor.

INJUNCTION: When injunctive relief would be the most effective remedy or whenever any person has repeatedly violated the provisions of this regulation and the orders of the Macomb County Health Officer, the Health Officer may commence appropriate civil legal action in a court of competent jurisdiction in the name of the Macomb County Health Department to enjoin and restrain further continuance of such violation.

SECTION 11 - INTERPRETATION CLAUSES

OTHER LAWS AND REGULATIONS: This regulation and guidelines promulgated under this regulation are minimum standards, supplemental to the statutes of the State of Michigan, the administration rules duly promulgated there under, and any local regulations or ordinances. Where any provision of this regulation and a provision of any Federal, State or local statute, ordinance or regulation both apply, the more restrictive of any or all codes, statutes, ordinances or regulations shall prevail.

INTERPRETATION: Provisions of this Regulation shall be construed liberally so as to best preserve the public health and safety. The word "shall" is mandatory, not merely directory.

**B. STATE OF MICHIGAN ACT 368, P.A. 1978 PART 92 IMMUNIZATION
(EXCERPTS)**

REQUIREMENTS FOR ENTERING AND REMAINING IN SCHOOL:

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.

REPORTING, EXCLUSION AND UPDATING:

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 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 child 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.

MEDICAL, RELIGIOUS AND OTHER 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 to be made 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 to the effect that the requirements of this part cannot be met because of religious convictions or other objection to immunization.

ENFORCEMENT:

Sec. 9229. A person who violates this part or a rule promulgated under this part is guilty of a misdemeanor.

EXPANDING THE IMMUNIZATION REQUIREMENT TO UPPER GRADE STUDENTS

The people of the State of Michigan enact:

Sec. 1. Act No. 368 of the Public Acts of 1978, as amended, being sections 333.1101 to 333.25211 of the Compiled Laws of 1970, is amended by adding section 9212 to read as follows:

Sec. 9212 If the immunization level in any grade in a public or non-public 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 non-public school may designate the immunization requirements set forth in Section 9208 as a condition for admission to the grade in which the immunization is low.

INFORMATION AND DIRECTIONS CONTAINED IN THIS MANUAL SHALL BE UTILIZED WHEN COMPLETING FORM IP-100 FOR ALL SCHOOLS IN MACOMB COUNTY. INSTRUCTIONS ON REVERSE SIDE OF IP-100 FORM SHOULD NOT BE FOLLOWED. CONFLICTING DIRECTIONS (IP-100 VS. MACOMB COUNTY HEALTH DEPARTMENT IMMUNIZATION MANUAL) ARE CLARIFIED IN THIS MANUAL AND WILL BE RESOLVED PER REQUIREMENTS OF THE MACOMB COUNTY HEALTH DEPARTMENT.

SPONSORED BY THE
MACOMB COUNTY BOARD OF COMMISSIONERS
AND ADMINISTERED BY THE
MACOMB COUNTY HEALTH DEPARTMENT

July 2006

jab