

JACKSON COUNTY IMMUNIZATION REGULATION

This regulation shall be known as the Jackson County Immunization Regulation, approved by the Jackson County Board of Commissioners effective: *August 20, 2017*

SECTION 1 - GENERAL PROVISIONS

ENACTING CLAUSE: The Jackson County Board of Commissioners, under the authority to approve regulations vested in it by Sections 2433, 2441 and 2442 of the Michigan Public Health Code, Act 368 of the Public Acts of 1978, hereby approves the Jackson County Immunization Regulation as adopted by the Jackson County Health Department.

POLICY STATEMENTS: This Regulation is designed to assist the Jackson 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 Jackson 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 Jackson 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 Jackson 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 Jackson 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 Health and Human Services and the Jackson County Health Department.

SECTION 4 - CERTIFICATION

What constitutes acceptable written certification of immunization shall be subject to the approval of the Jackson County Health Department. Acceptable written certification of immunization shall include, but not be limited to, the date (day, month and year), of each dose of every immunization

required by the Jackson County Health Department.

SECTION 5 - IMMUNIZATION

The diseases to be immunized against, the vaccines to be used, and the manner and frequency of their administration shall be specified by the Jackson County Health Department, but shall not be less than minimum standards promulgated by the Michigan Department of Health and Human Services to enforce Part 92, Sections 9201 through 9229 of the Michigan Public Health Code, 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, 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 Jackson County Health Department. Children with temporary medical contraindications shall receive the appropriate immunizations after the contraindication is no longer in effect.

NON-MEDICAL & 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 Jackson County Health Department.

SECTION 7 - EXCLUSION OF STUDENT AND MINOR CHILDREN DURING DISEASE OUTBREAKS

Children and minor children with temporary and permanent exemptions to immunizations are susceptible to the diseases which they are not immunized against. Such children and minor children may be excluded from the school, day care centers, preschool program, camp or other facility by order of the Jackson 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 Jackson 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 Jackson County Health Department on dates and in a manner specified by the Department.

SECTION 9 - PROMULGATION OF ADMINISTRATIVE GUIDELINES

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

SECTION 10 - SANCTIONS

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

INJUNCTION: In accordance with Section 2465 of the Michigan Public Health Code, notwithstanding the existence and pursuit of any other remedy, the Jackson County Health Officer, without posting bond, may commence appropriate civil legal action in a court of competent jurisdiction in the name of the Jackson County Health Department to restrain, prevent, or correct a violation of a law, rule, or order which the Officer has the duty to enforce, or to restrain, prevent, or correct an activity or condition which the Officer believes adversely affects the public health.

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 administrative 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. MICHIGAN PUBLIC HEALTH CODE PART 92 IMMUNIZATION (EXCERPTS) AND ADMINISTRATIVE REGULATION

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 January 1, 2014, a parent, guardian, or person in loco parentis of a child entering the seventh 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 children.

(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.

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.

AC, R 325.176 (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. Each nonmedical exemption filed at the child's school or group program of a child entering a program after December 31, 2014 shall be certified by the local health department that the individual received education on the risks of not receiving the vaccines being waived and the benefits of vaccination to the individual and the community. All waivers will be submitted using the waiver form prescribed by the department.

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 CHILDREN

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.