

HOUSE BILL No. 6017

May 16, 2018, Introduced by Rep. Canfield and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 5114a (MCL 333.5114a), as amended by 2004 PA 514.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5114a. (1) A person or governmental entity that
2 administers a test for HIV or an antibody to HIV to an individual
3 shall refer the individual to the appropriate local health
4 department for assistance with partner notification if both of the
5 following conditions are met:

6 (a) The test results indicate that the individual is HIV
7 infected.

8 (b) The person or governmental entity that administered the

1 test determines that the individual needs assistance with partner
2 notification.

3 (2) A person or governmental entity that refers an individual
4 to a local health department under subsection (1) shall provide the
5 local health department with information determined necessary by
6 the local health department to carry out partner notification.
7 Information required under this subsection may include, but is not
8 limited to, the name, address, and telephone number of the
9 individual test subject.

10 (3) A local health department to which an individual is
11 referred under subsection (1) shall inform the individual that he
12 or she has a legal obligation to inform each of his or her sexual
13 partners of the individual's HIV infection before engaging in
14 sexual relations with that sexual partner, and that the individual
15 may be subject to criminal sanctions for failure to so inform a
16 sexual partner.

17 (4) A partner notification program operated by a local health
18 department ~~shall~~**MUST** include notification of individuals who are
19 sexual or hypodermic needle-sharing partners of the individual
20 tested under subsection (1). Partner notification ~~shall be~~**IS**
21 confidential and **MUST BE** conducted in the form of a direct, one-to-
22 one conversation between the employee of the local health
23 department and the partner of the test subject.

24 (5) If a local health department receives a report under
25 section 5114(1) that indicates that a resident of this state or an
26 individual located in this state is HIV infected, the local health
27 department shall make it a priority to do all of the following:

1 (a) Attempt to interview the individual and offer to contact
2 the individual's sexual partners and, if applicable, hypodermic
3 needle-sharing or drug-sharing partners. If the subject of the
4 report is determined to have been infected with HIV in utero, the
5 local health department shall attempt to interview the individual's
6 parent or legal guardian, or both. The interview conducted under
7 this subdivision ~~shall be~~ **IS** voluntary on the part of the
8 individual being interviewed. ~~The~~ **A LOCAL HEALTH DEPARTMENT SHALL**
9 **PERFORM THE** interview or attempted interview required under this
10 subdivision ~~shall be performed by a local health department~~ within
11 14 days after receipt of a report under section 5114(1).

12 (b) Within 35 days after the interview conducted ~~pursuant to~~
13 **UNDER** subdivision (a), confidentially, privately, and in a discreet
14 manner contact each individual identified as a sexual or hypodermic
15 needle-sharing or drug-sharing partner regarding the individual's
16 possible exposure to HIV. The local health department shall not
17 reveal to an individual identified as a partner the identity of the
18 individual who has tested positive for HIV or an antibody to HIV
19 except if authorized to do so by the individual who named the
20 contact, and if needed to protect others from exposure to HIV or
21 from transmitting HIV. The local health department shall provide
22 each individual interviewed under subdivision (a) and each
23 individual contacted under this subdivision with all of the
24 following information:

25 (i) Available medical tests for HIV, an antibody to HIV, and
26 any other indicator of HIV infection.

27 (ii) Steps to take in order to avoid transmission of HIV.

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1 (iii) Other information considered appropriate by the
2 department.

3 (6) ~~The EACH LOCAL HEALTH DEPARTMENT SHALL REPORT TO THE~~
4 ~~DEPARTMENT ON THE~~ reports, records, and data of a local health
5 ~~department~~ pertaining to information acquired **BY THE LOCAL HEALTH**
6 **DEPARTMENT** under this section. << EXCEPT AS OTHERWISE REQUIRED BY FEDERAL
7 **LAW, THE REPORTS, RECORDS, AND DATA OF A LOCAL HEALTH DEPARTMENT, STORED**
8 **ON THE LOCAL HEALTH DEPARTMENT'S SERVER OR CONTAINED IN ITS PAPER FILES,**
9 **PERTAINING TO INFORMATION ACQUIRED BY THE LOCAL HEALTH DEPARTMENT UNDER**
10 **THIS SECTION, MUST BE DESTROYED WITHIN 365 DAYS AFTER THE DATE THE LOCAL**
11 **HEALTH DEPARTMENT RECEIVED THE INFORMATION.>> ~~shall be retained by the~~
12 ~~local~~
13 ~~health department for not more than 90 days after the date of~~
14 ~~receipt or for a period established by rule of the department.~~**

9 (7) Information acquired by the department or a local health
10 department under this section or section 5114 is exempt from
11 disclosure under the freedom of information act, 1976 PA 442, MCL
12 15.231 to 15.246.

13 ~~— (8) The department in consultation with local health~~
14 ~~departments shall submit a biennial report to the standing~~
15 ~~committees in the senate and house of representatives responsible~~
16 ~~for legislation pertaining to public health on the effect of this~~
17 ~~section on the department's efforts to monitor and control HIV~~
18 ~~infection and acquired immunodeficiency syndrome. The report shall~~
19 ~~include, but not be limited to, statistics on the total number of~~
20 ~~index cases reported, the total number of index cases reported with~~
21 ~~information identifying the test subject or a partner of the test~~
22 ~~subject, and the total number of partners actually contacted under~~
23 ~~this section, and an assessment of the effectiveness of the~~
24 ~~program, and recommendations to improve the effectiveness of the~~
25 ~~program, if any. The statistics included in the report shall be~~
26 ~~broken down by local health department jurisdiction.~~

27 Enacting section 1. This amendatory act takes effect 90 days

1 after the date it is enacted into law.