

HOUSE BILL No. 6022

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

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 5123 (MCL 333.5123), as amended by 2016 PA 68.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5123. (1) ~~A~~**EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION**
2 **(3), A** physician or an individual otherwise authorized by law to
3 provide medical treatment to a pregnant woman shall take or cause
4 to be taken ~~at the time of the woman's initial examination~~ ~~test~~
5 specimens of the woman **FOR THE PURPOSE OF PERFORMING TESTS FOR HIV,**
6 **SYPHILIS, AND HEPATITIS B, AND TAKE OR CAUSE TO BE TAKEN DURING THE**
7 **THIRD TRIMESTER OF THE WOMAN'S PREGNANCY TEST SPECIMENS OF THE**
8 **WOMAN FOR THE PURPOSE OF PERFORMING TESTS FOR HIV AND SYPHILIS,** and

1 shall submit the specimens to a clinical laboratory approved by the
2 department for the purpose of performing tests approved by the
3 department for ~~sexually transmitted infection, HIV or an antibody~~
4 ~~to HIV, and hepatitis B. If, **THE INFECTIONS DESCRIBED IN THIS**~~
5 **SUBSECTION.**

6 **(2) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3), IF,** when a
7 woman appears at a health care facility to deliver an infant or for
8 care in the immediate postpartum period having recently delivered
9 an infant outside a health care facility, no record of results from
10 the tests required under ~~this~~ subsection **(1)** is readily available
11 to the physician or individual otherwise authorized to provide care
12 in such a setting, then the physician or individual otherwise
13 authorized to provide care shall take or cause to be taken **TEST**
14 specimens of the woman and shall submit the specimens to a clinical
15 laboratory approved by the department for the purpose of performing
16 ~~department approved tests~~ **APPROVED BY THE DEPARTMENT** for ~~sexually~~
17 ~~transmitted infection, **SYPHILIS,** HIV, or an antibody to HIV, and~~
18 hepatitis B. ~~This subsection does~~

19 **(3) SUBSECTIONS (1) AND (2) DO** not apply if ~~, in the~~
20 ~~professional opinion of the physician or other person, the tests~~
21 ~~are medically inadvisable or the woman does not consent to be~~
22 tested.

23 **(4) ~~(2)~~**The physician or other individual described in
24 ~~subsection~~ **SUBSECTIONS (1) AND (2)** shall make and retain a record
25 showing the date the tests required under ~~subsection~~ **SUBSECTIONS**
26 **(1) AND (2)** were ordered and the results of the tests. If the tests
27 were not ordered by the physician or other person, the record shall

1 **MUST** contain an explanation of why the tests were not ordered.

2 (5) ~~(3)~~—The test results and the records required under
3 subsection ~~(2)~~—(4) are not public records, but ~~shall be~~**ARE**
4 available to a local health department and to a physician who
5 provides medical treatment to the woman or her offspring.

6 Enacting section 1. This amendatory act takes effect 90 days
7 after the date it is enacted into law.