

HOUSE BILL NO. 5314

November 09, 2023, Introduced by Reps. Steckloff, Arbit, Byrnes, Brabec, Hood, Conlin, Morse, Rheingans, Young, Brenda Carter and Breen and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 5431 (MCL 333.5431), as amended by 2002 PA 691.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 5431. (1) A health professional in charge of the care of
2 a newborn infant or, if none, the health professional in charge at
3 the birth of an infant shall administer or cause to be administered
4 to the infant a test for each of the following:
5 (a) Phenylketonuria.

- 1 (b) Galactosemia.
2 (c) Hypothyroidism.
3 (d) Maple syrup urine disease.
4 (e) Biotinidase deficiency.
5 (f) Sickle cell anemia.
6 (g) Congenital adrenal hyperplasia.
7 (h) Medium-chain acyl-coenzyme A dehydrogenase deficiency.
8 **(i) Krabbe disease.**
9 **(j) ~~(i)~~**—Other treatable but otherwise disabling conditions as
10 designated by the department.

11 (2) The informed consent requirements of sections 17020 and
12 17520 do not apply to the tests required under subsection (1). The
13 tests required under subsection (1) ~~shall~~**must** be administered and
14 reported within a time and under conditions prescribed by the
15 department. The department may require that the tests be performed
16 by the department.

17 (3) If the results of a test administered under subsection (1)
18 are positive, the results ~~shall~~**must** be reported to the infant's
19 parents, guardian, or person in loco parentis. A person is in
20 compliance with this subsection if the person makes a ~~good-faith~~
21 **good-faith** effort to report the positive test results to the
22 infant's parents, guardian, or person in loco parentis.

23 (4) Subject to the annual adjustment required under this
24 subsection and subject to subsection (6), if the department
25 performs 1 or more of the tests required under subsection (1), the
26 department may charge a fee for the tests of not more than \$53.71.
27 The department shall adjust the amount prescribed by this
28 subsection annually by an amount determined by the state treasurer
29 to reflect the cumulative annual percentage change in the Detroit

1 ~~consumer price index.~~ **Consumer Price Index.** As used in this
 2 subsection, "~~Detroit consumer price index~~" **Consumer Price Index**
 3 means the most comprehensive index of consumer prices available for
 4 the Detroit area from the ~~bureau of labor statistics~~ **Bureau of**
 5 **Labor Statistics** of the United States ~~department of~~
 6 ~~labor.~~ **Department of Labor.**

7 (5) A person who violates this section or a rule promulgated
 8 under this part is guilty of a misdemeanor.

9 (6) The department shall provide for a hardship waiver of the
 10 fee authorized under subsection (4) under circumstances found
 11 appropriate by the department.

12 (7) The department shall do all of the following in regard to
 13 the blood specimens taken for purposes of conducting the tests
 14 required under subsection (1):

15 (a) By April 1, 2000, develop a schedule for the retention and
 16 disposal of the blood specimens used for the tests after the tests
 17 are completed. The schedule ~~shall~~ **must** meet at least all of the
 18 following requirements:

19 (i) Be consistent with nationally recognized standards for
 20 laboratory accreditation and federal law.

21 (ii) Require that the disposal be conducted in compliance with
 22 section 13811.

23 (iii) Require that the disposal be conducted in the presence of
 24 a witness. For purposes of this subparagraph, the witness may be an
 25 individual involved in the disposal or any other individual.

26 (iv) Require that a written record of the disposal be made and
 27 kept, and that the witness required under subparagraph (iii) signs
 28 the record.

29 (b) Allow the blood specimens to be used for medical research

1 during the retention period established under subdivision (a), as
2 long as the medical research is conducted in a manner that
3 preserves the confidentiality of the test subjects and is
4 consistent to protect human subjects from research risks under
5 ~~subpart A of part 46 of subchapter A of title 45 of the code of~~
6 ~~federal regulations.~~ **45 CFR 46.101 to 46.124.**

7 (8) The department shall rewrite its pamphlet explaining the
8 requirements of this section when the supply of pamphlets in
9 existence on March 15, 2000 is exhausted. When the department
10 rewrites the explanatory pamphlet, ~~it~~ **the department** shall include
11 at least all of the following information in the pamphlet:

12 (a) The nature and purpose of the testing program required
13 under this section, including, but not limited to, a brief
14 description of each condition or disorder listed in subsection (1).

15 (b) The purpose and value of the infant's parent, guardian, or
16 person in loco parentis retaining a blood specimen obtained under
17 subsection (9) in a safe place.

18 (c) The department's schedule for retaining and disposing of
19 blood specimens developed under subsection (7) (a).

20 (d) That the blood specimens taken for purposes of conducting
21 the tests required under subsection (1) may be used for medical
22 research pursuant to subsection (7) (b).

23 (9) In addition to the requirements of subsection (1), the
24 health professional described in subsection (1) or the hospital or
25 other facility in which the birth of an infant takes place, or
26 both, may offer to draw an additional blood specimen from the
27 infant. If such an offer is made, it ~~shall~~ **must** be made to the
28 infant's parent, guardian, or person in loco parentis at the time
29 the blood specimens are drawn for purposes of subsection (1). If

1 the infant's parent, guardian, or person in loco parentis accepts
2 the offer of an additional blood specimen, the blood specimen ~~shall~~
3 **must** be preserved in a manner that does not require special storage
4 conditions or techniques, including, but not limited to,
5 lamination. The health professional or hospital or other facility
6 employee making the offer shall explain to the parent, guardian, or
7 person in loco parentis at the time the offer is made that the
8 additional blood specimen can be used for future identification
9 purposes and should be kept in a safe place. The health
10 professional or hospital or other facility making the offer may
11 charge a fee that is not more than the actual cost of obtaining and
12 preserving the additional blood specimen.

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