

SUBSTITUTE FOR
HOUSE BILL NO. 6022

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, HEPATITIS B, AND**
9 **SYPHILIS IN ACCORDANCE WITH GUIDELINES ESTABLISHED BY THE FEDERAL**

House Bill No. 6022 as amended December 19, 2018

CENTERS FOR DISEASE CONTROL AND PREVENTION, and shall submit the specimens to a clinical laboratory approved by the department for the purpose of performing tests approved by the department for ~~sexually transmitted infection, HIV or an antibody to HIV, and hepatitis B.~~ **THE INFECTIONS DESCRIBED IN THIS SUBSECTION.**

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

(3) **SUBSECTIONS (1) AND (2) DO** not apply if, in the professional opinion of ~~the A physician, or other person,~~ the tests are medically inadvisable or the woman does not consent to be tested. **<<THE WOMAN MAY ORALLY COMMUNICATE HER DECISION TO DECLINE THE TESTING.>>**

(4) ~~(2)~~ The physician or other individual described in ~~subsection~~ **SUBSECTIONS (1) AND (2)** shall make and retain a record showing the date the tests required under ~~subsection~~ **SUBSECTIONS (1) AND (2)** were ordered and the results of the tests. If the tests 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.