

# HOUSE BILL No. 5125

November 9, 1987, Introduced by Rep. Bennane and referred to the Committee on Public Health.

A bill to amend Act No. 368 of the Public Acts of 1978, entitled as amended "Public health code," as amended, being sections 333.1101 to 333.25211 of the Michigan Compiled Laws, by adding section 5252.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 368 of the Public Acts of 1978, as  
2 amended, being sections 333.1101 to 333.25211 of the Michigan  
3 Compiled Laws, is amended by adding section 5252 to read as  
4 follows:

5 SEC. 5252. (1) IF AN HIV TEST IS ADMINISTERED TO AN INDI-  
6 VIDUAL AND THE TEST YIELDS A FALSE POSITIVE RESULT, THE HEALTH  
7 CARE PROVIDER WHO ORDERS THE TEST, OR, IF THE TEST SUBJECT IS A  
8 PATIENT IN A HEALTH FACILITY AT THE TIME THE HIV TEST IS  
9 ADMINISTERED, THE HEALTH FACILITY, SHALL KEEP THE FALSE POSITIVE

1 TEST RESULTS PHYSICALLY SEPARATE FROM THE REST OF THE TEST  
2 SUBJECT'S MEDICAL RECORD. THE FALSE POSITIVE TEST RESULTS SHALL  
3 BE PLACED IN A CLOSED ENVELOPE OR FOLDER AND STORED SO AS TO  
4 PERMIT ONLY LIMITED ACCESS. A POSITIVE HIV TEST RESULT THAT IS  
5 VALIDATED BY A SUBSEQUENT CONFIRMING HIV TEST MAY BE KEPT AS PART  
6 OF THE TEST SUBJECT'S MEDICAL RECORD.

7 (2) BOTH FALSE POSITIVE AND CONFIRMED POSITIVE HIV TEST  
8 RESULTS SHALL BE CONFIDENTIAL AND SHALL BE DISCLOSED ONLY TO 1 OR  
9 MORE OF THE FOLLOWING PERSONS:

10 (A) THE SUBJECT OF THE TEST OR A PERSON DESIGNATED IN WRIT-  
11 ING BY THE TEST SUBJECT.

12 (B) A HEALTH CARE PROVIDER WHO IS PROVIDING CARE DIRECTLY TO  
13 THE TEST SUBJECT.

14 (3) THE DEPARTMENT MAY PROMULGATE RULES TO IMPLEMENT THIS  
15 SECTION.

16 (4) AS USED IN THIS SECTION:

17 (A) "FALSE POSITIVE TEST RESULT" MEANS A POSITIVE INITIAL  
18 HIV TEST RESULT THAT IS INVALIDATED BY A SUBSEQUENT CONFIRMING  
19 HIV TEST.

20 (B) "HEALTH FACILITY" MEANS A FACILITY LICENSED UNDER  
21 ARTICLE 17.

22 (C) "HEALTH CARE PROVIDER" MEANS AN INDIVIDUAL LICENSED  
23 UNDER ARTICLE 15.

24 (D) "HIV" MEANS HUMAN IMMUNODEFICIENCY VIRUS.

25 (E) "TEST" MEANS A PROCEDURE TO DETECT THE PRESENCE OF HIV  
26 OR THE ANTIBODY TO HIV.