

HOUSE BILL No. 5847

July 28, 1988, Introduced by Reps. Hunter, Murphy, DeMars, Barns, Porreca, Bennane, Kilpatrick, Hollister, Hood, O'Neill, Terrell, Stallworth, Gire, Kosteva, Joe Young, Sr., Watkins, Browne, Joe Young, Jr., Hart, Clack, Brotherton, Bandstra, Bankes, Fitzgerald, Munsell, Pridnia, Gnodtke and Docherty 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 20527.

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 20527 to read as
4 follows:

5 SEC. 20527. (1) A CLINICAL LABORATORY, INCLUDING A LABORA-
6 TORY DESCRIBED IN SECTION 20507, SHALL NOT PERFORM A TEST ON A
7 BLOOD SAMPLE FOR HIV OR AN ANTIBODY TO HIV UNDER EITHER OR BOTH
8 OF THE FOLLOWING CIRCUMSTANCES:

1 (A) THE BLOOD SAMPLE WAS COLLECTED OR TRANSMITTED, OR BOTH,
2 BY THE TEST SUBJECT.

3 (B) THE TEST FOR HIV OR AN ANTIBODY TO HIV WAS NOT ORDERED
4 OR REQUESTED BY A PHYSICIAN LICENSED OR OTHERWISE LEGALLY AUTHO-
5 RIZED TO PRACTICE MEDICINE OR OSTEOPATHIC MEDICINE AND SURGERY IN
6 THIS OR ANOTHER STATE OR COUNTRY.

7 (2) IN ADDITION TO THE GROUNDS FOR DISCIPLINARY ACTION SET
8 FORTH IN SECTION 20165, A PERSON WHO VIOLATES SUBSECTION (1) IS
9 GUILTY OF A MISDEMEANOR, PUNISHABLE BY IMPRISONMENT FOR NOT MORE
10 THAN 90 DAYS OR A FINE OF NOT MORE THAN \$5,000.00, OR BOTH.

11 (3) AS USED IN THIS SECTION, "HIV" MEANS HUMAN IMMUNODEFI-
12 CIENCY VIRUS.

13 Section 2. This amendatory act shall not take effect unless
14 Senate Bill No. _____ or House Bill No. ⁵⁸⁴⁶_____ (request
15 no. 04333'88) of the 84th Legislature is enacted into law.