



**House  
Legislative  
Analysis  
Section**

Manufacturer's Bank Building, 12th Floor  
Lansing, Michigan 48909  
Phone: 517/373-6466

**VENEREAL DISEASE TESTING**

**RECEIVED**

**House Bill 4732 (Substitute H-1)**

**First Analysis (12-12-89)**

12-12-89 05:00

**Sponsor: Rep. Floyd Clack**  
**Committee: Public Health**

**THE APPARENT PROBLEM:**

Public Act 471 of 1988 requires that people convicted of certain sex-related and drug-related crimes receive counseling and be tested for the virus associated with acquired immune deficiency syndrome (AIDS), and that people arrested and charged with those crimes be provided information and offered recommended counseling. Since people who commit the sex-related crimes are also at high risk of having (and transmitting) venereal diseases, it has been recommended that the testing and counseling strategy applied to the human immunodeficiency virus (HIV) infection be applied to controlling venereal diseases, particularly since there has been such a huge increase recently in sexually transmitted diseases, notably syphilis.

**THE CONTENT OF THE BILL:**

The bill would amend the Public Health Code to apply to venereal diseases the counseling, testing and treatment referral requirements now applied to HIV infections. Specifically, the bill would:

- Require courts to provide certain information and recommend voluntary counseling about venereal disease to people arrested and charged with certain sex-related offenses. (The crimes would include gross indecency; prostitution-related crimes, including prostitution, solicitation, "running a house of ill fame," and pandering; and criminal sexual conduct.)
- Require court-ordered venereal disease testing and counseling for people convicted of certain sex-related offenses. Testing would be done confidentially by a licensed physician, the state health department, or a local health department. (Testing could be waived by the court in certain cases involving the prostitution-related crimes of "aiding and abetting," keeping a brothel, and pandering.) The tests for venereal disease would include tests for syphilis and other tests as specified by rules of the Department of Public Health.
- Require that test results be given to the victim or the person with whom the defendant engaged in sexual penetration during the course of a specified crime (if the victim or sex partner consents to be identified for the purposes of such notification), and that the person be referred to appropriate counseling.
- Make such test results part of the court record, and require a copy to be sent to the Department of Corrections if the defendant is placed in the department's custody. Test results would be confidential but would have to be provided to the state and local health department, the victim or sex partner, to anyone else upon the written authorization of the defendant, and as otherwise provided by law.
- Require that defendants found to be infected with venereal disease be referred for medical care, but exempt the referring agency from financial responsibility for such care.

(The health code currently permits — but does not require — local health departments to examine people arrested and charged with prostitution-related offenses to determine if they have venereal disease. That provision would remain in the code, although it would be amended to say people could be examined "or tested.")

MCL 333.5129

**FISCAL IMPLICATIONS:**

The Department of Public Health has said: "There may be some increased laboratory testing required of the Department's laboratories, but it is doubtful that it would be enough to require any significant increase in costs." The department says that local health departments already provide testing and counseling for HIV infections and sexually transmitted diseases, so new programs would not be needed; however, additional time would be required of local health and other personnel.

**ARGUMENTS:**

**For:**

Public health officials say that people who commit sex-related offenses are as a group at high risk of contracting and transmitting a venereal disease, and it might be helpful in controlling the spread of venereal diseases to apply the same kind of testing, counseling, and treatment strategy that is now applied to AIDS-related infections. (It should be noted that, unlike AIDS, venereal diseases, such as syphilis, can be effectively treated.)

**POSITIONS:**

The Department of Public Health supports the bill. (5-11-89)

H.B. 4732 (12-12-89)