



**House  
Legislative  
Analysis  
Section**

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**HIV TESTS FOR CRIMINALS**

**House Bill 4754**

**Sponsor: Rep. Kirk A. Profit**

**Committee: Public Health**

**Complete to 5-16-91**

**A SUMMARY OF HOUSE BILL 4754 AS INTRODUCED 4-29-91**

Under Public Act 490 of 1988, local health departments, upon determining that a person is a health threat to others by virtue of being a carrier of a serious communicable disease and demonstrating reckless behavior that places others at risk of transmission of the disease, must issue a warning notice to the person and may require the person to undergo medical tests to verify the condition, as well as to participate in education, counseling or treatment programs.

House Bill 4754 would amend the Public Health Code to allow law enforcement officers who have been exposed to blood or other body fluids during their official duties to request the local health department to determine if their exposure could have transmitted HIV, the virus that causes AIDS (acquired immunodeficiency disease). If the health department determined that the officer's exposure could have reasonably transmitted HIV, the department would be required to issue a warning notice, under the provisions of P.A. 490, to the person whose body fluids were transmitted. The notice would require the individual to undergo a test for HIV or an antibody to HIV. The health department would be required to provide counseling to both the person being tested and to the officer. The bill would specify that test results could be released only to persons who demonstrate a need to know, and that the law enforcement officer who requested the review would be considered to have a need to know the test results. The officer would also be able to obtain a free HIV test for himself or herself from the department.

When an officer requested a local health department to review a case of exposure to body fluids, the health department would have to inform the officer of his or her rights under the bill and explain that the officer would be subject to the confidentiality provisions of the act (and their penalties).

The bill would specify that the state and local health departments, the local law enforcement agency, and the law enforcement officer would not be financially responsible for medical care received by the person to whom the officer was exposed.

The bill would require the Department of Public Health, upon request, to work with law enforcement agencies to develop and implement a comprehensive HIV education program for officers. In addition, the department would be required to develop guidelines to assist local health departments in determining if an exposure could have transmitted HIV.

MCL 333.5131 et al.