

## CRIMES: HIV, VD TESTS

House Bill 5012 (Substitute H-2)  
First Analysis (3-11-92)

Sponsor: Rep. Floyd Clack  
Committee: Public Health

### *THE APPARENT PROBLEM:*

Currently, under the Public Health Code, local public health departments may test for venereal disease (VD) people who are arrested and charged with certain prostitution-related crimes. In 1989, the legislature added a new section to the health code requiring that people charged with certain sex- and intravenous (IV) drug-related crimes be given information on human immunodeficiency virus (HIV) transmission and be offered counseling and testing for HIV. People convicted of these crimes must be tested and counseled for HIV infection (unless the court decides otherwise and documents its reasons). With the consent of the victims of these crimes, the test results are given to the victim. People who test positive for HIV are referred for appropriate medical care. However, even though people in these circumstances often also are at risk for VD, the code does not require VD testing in those cases where HIV testing is required.

### *THE CONTENT OF THE BILL:*

The bill would amend the Public Health Code to add VD testing, counseling, disclosure, and treatment referral to the part of the code regarding these procedures for HIV infection. The bill would allow people arrested and charged with certain prostitution-related crimes to be tested not only for VD but also for HIV, but they could be tested only under court order (that is, no longer at the discretion of local public health departments). Finally, the bill would add a new subsection to this part of the code that would require courts, when there was probable cause to believe that a criminal violation involved sexual penetration, to order counseling and confidential testing for VD and HIV. The bill would specifically exempt illegal IV drug users from the bill's VD testing and counseling requirements.

MCL 333.5129

### *FISCAL IMPLICATIONS:*

The Department of Public Health says that the bill might require the department to provide local health departments or jails with testing resources, but provides no estimate of the cost. (1-3-92)

### *ARGUMENTS:*

#### *For:*

Since prostitutes and their customers are at high risk for contracting VD and HIV infection, they should be tested when arrested and charged with prostitution-related crimes. Similarly, the suspects and defendants -- and their victims -- in certain sex- and drug-related crimes (the bill refers to gross indecency, prostitution, and criminal sexual conduct) are at high risk for both HIV infection and VD, and as a matter of public health ought to be tested, particularly when the crime involves sexual penetration.

### *POSITIONS:*

The Department of Public Health supports the concept of the bill. (3-10-92)

The Michigan Association for Local Public Health has no position on the bill. (3-10-92)

The Michigan State Medical Society has no position on the bill. (3-10-92)

The Michigan Association of Osteopathic Physicians and Surgeons has no position on the bill. (3-11-92)