



**House  
Legislative  
Analysis  
Section**

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**PRISONERS: ALLOW FOR BLOOD  
TESTING**

**House Bill 5488**

**Sponsor: Rep. David Galloway**

**Committee: Health Policy**

**Complete to 2-14-96**

**A SUMMARY OF HOUSE BILL 5488 AS INTRODUCED 12-14-95**

The bill would amend the Public Health Code to permit a police officer or an employee of the Department of Corrections (DOC), a county, or a court to request the local health department to conduct a review of all circumstances surrounding the officer's or employee's exposure while on duty to the blood or body fluids of a prisoner, jail inmate, parolee, or probationer. ("Police officer" would be defined by the bill as being a "law enforcement officer employed by the state or a unit of local government".) The purpose of the review would be to determine whether the exposure could have transmitted a serious communicable disease or Hepatitis B infection. ("Serious communicable disease or infection" is defined in the code as including, but not limited to, HIV infection, acquired immunodeficiency syndrome, acquired immunodeficiency syndrome related complex, venereal disease, and tuberculosis".)

The request for a review would have to be made within 72 hours of the time of exposure. Upon such a request, the bill would require the local health department to advise the officer or employee of his or her rights under the bill, and to explain that he or she would be subject to the confidentiality provisions and penalties of the code. If it were determined that an exposure that could reasonably have transmitted one or more of the above diseases had occurred, the local health department would be required to issue a warning to the individual to whom the officer had been exposed (i.e., the prisoner) as provided by the code. At a minimum, the warning would have to require that the individual undergo a test for Hepatitis B infection and for any other serious communicable disease that the officer might request the individual to be tested for. The test or tests would be administered by the local health department. The Department of Corrections, courts, and counties would be responsible for ensuring that the required tests were administered to the individuals under their respective jurisdictions.

Further, the bill would require the local health department to report each positive HIV test result to the Department of Public Health (DPH) as required by the code. Otherwise, results of the tests administered under the bill could only be disclosed by the local health department to persons demonstrating a "need to know" the test results. The bill would specify that the officer or employee requesting the review would have a need to know the test results. The local health department would also be required to administer, free of charge, a test for HIV or an antibody to the person requesting the review if he or she requested one.

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In addition, the code restricts the release of reports, records, and data pertaining to testing, care, treatment, reporting, and research, and partner notification, in regards to serious communicable diseases or HIV infection and acquired immunodeficiency syndrome. The bill would add "information" to the list of confidential items. Further, the bill would expand a provision that exempts a person releasing HIV test results in compliance with the code from civil or criminal liability to include the release of any "information" pertaining to the reports, records, data, and information previously listed as being confidential.

(Note: Executive Order No. 1996 - 1 merged administrative functions of the Departments of Public Health and Mental Health into the Department of Community Health and renamed the Department of Public Health as the Community Public Health Agency. The Executive Order will take effect April 1, 1996.)

MCL 333.5131 and 333.5203.