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BILL



ANALYSIS

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House Bill 5488 (Substitute S-1 as reported)
Sponsor: Representative David N. Galloway
House Committee: Health Policy
Senate Committee: Health Policy and Senior Citizens

CONTENT

The bill would amend the Public Health Code to provide that a police officer, a fire fighter, a local correctional officer or other county employee, or a court employee who, while performing his or her official duties, determined that he or she had sustained a percutaneous (skin), mucous membrane, or open wound exposure to the blood or body fluids of an arrestee, correctional facility inmate, parolee, or probationer, could request that the person be tested for HIV infection or hepatitis B (HBV) infection, or both. The requesting party would have to have received training in the transmission of bloodborne diseases under the rules governing exposure to bloodborne diseases in the workplace promulgated by the Occupational Health Standards Commission or incorporated by reference under the Michigan Occupational Safety and Health Act. An officer or employee who desired to make a request would have to make the request to his or her employer on a form provided by the Department of Community Health as soon as possible, but not later than 72 hours, after the exposure occurred. The request form could not contain information that would identify the arrestee, correctional facility inmate, parolee, or probationer by name.

An employer that received a request would have to accept as fact the requester's description of his or her exposure to blood or other body fluids. The test for HIV infection or HBV infection, or both, would have to be performed by the local health department or by a health care provider designated by the local health department. If a test subject refused to undergo a test requested by an officer or employee under the bill, the officer's or employee's employer could petition the probate court for the county in which the employer was located for an order to require the test. The probate court could order the person to be tested, but could not issue an order unless it first considered the recommendation of a review panel appointed by the court to review the need for testing the proposed test subject.

MCL 333.5131 et al.

Legislative Analyst: G. Towne

FISCAL IMPACT

Based on the assumption that there would be low demand for the testing allowed under the bill, the bill would have no fiscal impact on the State or local units of government. Assuming low demand, the cost to local health departments for administering the tests would be recouped through charges to the individual requesting the test; and local transportation and State laboratory costs would be absorbed within existing capacity.

Date Completed: 11-27-96

Fiscal Analyst: P. Graham

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.