
Senate Fiscal Agency
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SFA

BILL ANALYSIS

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House Bill 4230 (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 for HIV (human immunodeficiency virus), HBV (hepatitis B virus), or HCV (hepatitis C virus) infection testing of a prisoner, arrestee, parolee, or probationer, if it were determined that a law enforcement officer, fire fighter, local corrections officer, county employee, court employee, or an "individual making a lawful arrest" (or an "arresting individual") had sustained a percutaneous (skin), mucous membrane, or open wound exposure to the blood or body fluid of the prisoner, arrestee, parolee, or probationer. The party requesting a test would have to have received training in the transmission of bloodborne diseases under the rules promulgated by the Occupational Health Standards Commission or incorporated by reference under the Michigan Occupational Safety and Health Act. A person would have to make the request to his or her employer on a form provided by the Department of Community Health within 72 hours after an exposure occurred. The request form could not contain information that would identify the arrestee, inmate, parolee, or probationer by name, except if necessary to identify the individual for purposes of testing. If a proposed test subject did not consent to testing, the circuit court could order the person to be tested, after considering the recommendation of a review panel. The bill would take effect January 1, 1998.

An "individual making a lawful arrest" or an "arresting individual" would be a private security police officer authorized to make a warrantless arrest under the Private Security Guard Act; or a merchant, agent of a merchant, employee of a merchant, or independent contractor providing security for a merchant authorized to make an arrest, in the merchant's store and in the course of his or her employment, as prescribed by the Code of Criminal Procedure.

MCL 333.5131 et al.

Legislative Analyst: G. Towne

FISCAL IMPACT

The bill would have an indeterminate impact on State and local spending. There are currently no data on the incidence of occupational exposures to blood or other body fluids; thus, it is not possible to determine the level of demand for the testing allowed for under the bill. 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. If demand were high (requests numbering in the thousands), then additional resources would be required to cover the increased costs to the State laboratory, as there is no mechanism for the State laboratory to recover its costs. The average cost of an HIV screening test, including reagents, supplies, and personnel costs, is approximately \$5, and of a Hepatitis B test is approximately \$15.

Date Completed: 5-27-97

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.