

SUBSTITUTE FOR
HOUSE BILL NO. 5015

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 5901, 5911, 5913, 5915, 5919, and 5923 (MCL
333.5901, 333.5911, 333.5913, 333.5915, 333.5919, and 333.5923), as
added by 1987 PA 258, and by adding section 5906; and to repeal
acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5901. As used in this part:

2 (a) "AIDS" means acquired immunodeficiency syndrome.

3 ~~(b) "Commission" means the risk reduction and AIDS policy~~
4 ~~commission created in section 5903.~~

5 **(B) "ADVISORY TASK FORCE" MEANS THE TASK FORE CREATED IN**
6 **SECTION 5906.**

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1 (c) "Fund" means the Michigan health initiative fund created
2 in section 5911.

3 (D) "HCV" MEANS HEPATITIS C VIRUS.

4 (E) ~~—(d)—~~ "HIV" means human immunodeficiency virus.

5 (F) ~~—(e)—~~ "Institute of higher education" means a public or
6 private college or university. Institute of higher education
7 includes a community college.

8 (G) ~~—(f)—~~ "Risk reduction" means the process of identifying
9 and reducing or eliminating behaviors or conditions, or both, that
10 are harmful to physical or mental health, or both.

11 SEC. 5906. (1) THE HEPATITIS C ADVISORY TASK FORCE IS CREATED
12 IN THE DEPARTMENT. THE TASK FORCE SHALL BE APPOINTED BY THE
13 GOVERNOR. THE TASK FORCE SHALL CONSIST OF 11 MEMBERS [
14] INCLUDING
15 THE DIRECTOR AND HIS OR HER DESIGNEE AS AN EX OFFICIO MEMBER, 1
16 MEMBER FROM AN ASSOCIATION REPRESENTING LOCAL PUBLIC HEALTH, AND 9
17 MEMBERS APPOINTED FROM THE FOLLOWING CATEGORIES:

18 (A) BUSINESS AND INDUSTRY.

19 (B) LABOR.

20 (C) HEALTH CARE PROVIDERS.

21 (D) THE LEGAL COMMUNITY.

22 (E) RELIGIOUS ORGANIZATIONS.

23 (F) STATE AND LOCAL GOVERNMENT, INCLUDING, BUT NOT LIMITED TO,
24 THE CHRONIC DISEASE ADVISORY COMMITTEE CREATED UNDER PART 54.

25 (G) THE EDUCATION COMMUNITY.

26 (2) A HEALTH CARE PROVIDER MEMBER APPOINTED PURSUANT TO
27 SUBSECTION (1) SHALL NOT BE AN EMPLOYEE OF A STATE EXECUTIVE

1 DEPARTMENT OR LOCAL HEALTH DEPARTMENT, NOR REPRESENT A FACILITY OR
2 AGENCY WHICH IS OWNED OR OPERATED BY A STATE EXECUTIVE DEPARTMENT
3 OR A LOCAL HEALTH DEPARTMENT. TO THE EXTENT PRACTICABLE, THE
4 MEMBERS APPOINTED PURSUANT TO SUBSECTION (1), EXCEPT THE DIRECTOR,
5 SHALL BE REPRESENTATIVE OF THE DEMOGRAPHIC COMPOSITION AND
6 GEOGRAPHIC REGIONS OF THIS STATE.

7 (3) THE TERM OF EACH MEMBER, OTHER THAN THE DIRECTOR, SHALL BE
8 3 YEARS, EXCEPT THAT OF THE MEMBERS FIRST APPOINTED, 4 SHALL SERVE
9 FOR 3 YEARS, 3 SHALL SERVE FOR 2 YEARS, AND 3 SHALL SERVE FOR 1
10 YEAR. A MEMBER SHALL NOT SERVE MORE THAN 2 CONSECUTIVE TERMS,
11 WHETHER PARTIAL OR FULL. A VACANCY ON THE TASK FORCE SHALL BE
12 FILLED FOR THE BALANCE OF THE UNEXPIRED TERM IN THE SAME MANNER AS
13 THE ORIGINAL APPOINTMENT. THE TASK FORCE BIANNUALLY SHALL ELECT A
14 CHAIRPERSON AND OTHER OFFICERS AND COMMITTEES AS CONSIDERED
15 APPROPRIATE BY THE TASK FORCE. THE ACTUAL AND NECESSARY PER DIEM
16 COMPENSATION AND THE SCHEDULE FOR REIMBURSEMENT OF EXPENSES FOR THE
17 PUBLIC MEMBERS OF THE TASK FORCE SHALL BE THE SAME AS IS
18 ESTABLISHED ANNUALLY BY THE LEGISLATURE FOR SIMILAR COMMISSIONS OR
19 TASK FORCES THAT ARE REIMBURSED FROM THE GENERAL FUND.

20 (4) THE BUSINESS WHICH THE TASK FORCE PERFORMS SHALL BE
21 CONDUCTED AT A PUBLIC MEETING OF THE TASK FORCE HELD IN COMPLIANCE
22 WITH THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275.
23 PUBLIC NOTICE OF THE TIME, DATE, AND PLACE OF THE MEETING SHALL BE
24 GIVEN IN THE MANNER REQUIRED BY THE OPEN MEETINGS ACT, 1976 PA 267,
25 MCL 15.261 TO 15.275. A WRITING PREPARED, OWNED, USED, IN THE
26 POSSESSION OF, OR RETAINED BY THE TASK FORCE IN THE PERFORMANCE OF
27 AN OFFICIAL FUNCTION SHALL BE MADE AVAILABLE TO THE PUBLIC IN

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1 COMPLIANCE WITH THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL
2 15.231 TO 15.246.

3 (5) THE TASK FORCE SHALL DO ALL OF THE FOLLOWING:

4 (A) MEET NOT LESS THAN QUARTERLY AT THE CALL OF THE
5 CHAIRPERSON.

6 (B) ADVISE THE GOVERNOR AND THE LEGISLATURE ON POLICIES
7 REGARDING HEPATITIS C AND RISK REDUCTION.

8 (C) ANNUALLY REPORT TO THE GOVERNOR AND THE LEGISLATURE ON
9 MAJOR RISK FACTORS AND PREVENTABLE DISEASES OR CONDITIONS
10 INCLUDING, BUT NOT LIMITED TO, HEPATITIS C.

11 (D) MAKE RECOMMENDATIONS TO THE DEPARTMENT REGARDING THE
12 ALLOCATION OF MONEY[, IF AVAILABLE,] FROM THE MICHIGAN HEALTH INITIATIVE
13 FUND
14 INCLUDING, BUT NOT LIMITED TO, THE LEVEL OF FUNDING FOR GRANTS
15 UNDER SECTION 5925.

16 (E) REVIEW AND COMMENT TO THE DEPARTMENT ON TOPICS DETERMINED
17 BY THE TASK FORCE TO BE APPROPRIATE FOR THE MEDIA CAMPAIGN
18 CONDUCTED UNDER THIS PART.

19 (F) REVIEW AND IDENTIFY POTENTIAL ADDITIONAL FUNDING
20 MECHANISMS AND SOURCES TO COVER THE COSTS OF OUTREACH, AWARENESS,
21 AVAILABLE TREATMENT OPTIONS, AND TESTING, FOR HCV.

22 (G) MAKE RECOMMENDATIONS TO THE DEPARTMENT REGARDING
23 INFORMATION TO BE UTILIZED AND INCORPORATED INTO THE HCV
24 INFORMATION PACKAGE, INCLUDING, BUT NOT LIMITED TO, INFORMATION
25 REGARDING THE STATUS OF HCV IN THIS STATE, STATE-SUPPORTED TESTING
26 AND COUNSELING PROGRAMS, AND RESEARCH FINDINGS.

26 [(6) THE HEPATITIS C ADVISORY TASK FORCE CREATED UNDER THIS SECTION
27 IS ABOLISHED EFFECTIVE JUNE 30, 2010.]

27 Sec. 5911. (1) The Michigan health initiative fund is created
in the state treasury and shall be administered by the department.

1 The fund shall be expended only as provided in this part. The fund
2 is in addition to, and is not intended as a replacement for, any
3 other money appropriated to the department.

4 (2) The state treasurer shall credit to the fund all amounts
5 appropriated for that purpose under ~~section 11 of the Michigan~~
6 ~~health initiative revenue act, section 25 of the general sales tax~~
7 ~~act, Act No. 167 of the Public Acts of 1933, being section 205.75~~
8 ~~of the Michigan Compiled Laws, and section 21 of the use tax act,~~
9 ~~Act No. 94 of the Public Acts of 1937, being section 205.111 of the~~
10 ~~Michigan Compiled Laws~~ **THIS SECTION, SECTION 25 OF THE GENERAL**
11 **SALES TAX ACT, 1933 PA 167, MCL 205.75, AND SECTION 21 OF THE USE**
12 **TAX ACT, 1937 PA 94, MCL 205.11. THE STATE TREASURER MAY RECEIVE**
13 **MONEY OR OTHER ASSETS FROM ANY SOURCE FOR DEPOSIT INTO THE FUND.**

14 (3) The state treasurer shall direct the investment of the
15 fund. Earnings shall be credited to the fund.

16 (4) The unencumbered balance remaining in the fund at the
17 close of the fiscal year shall remain in the fund, and shall not
18 revert to the general fund.

19 Sec. 5913. (1) The department shall utilize the fund to
20 establish the Michigan health initiative information clearinghouse,
21 which shall be accessible to the public statewide.

22 (2) The Michigan health initiative information clearinghouse
23 shall, at a minimum, maintain and provide up-to-date information on
24 both of the following:

25 (a) Major risk factors and preventable diseases and conditions
26 including, but not limited to, **HCV AND AIDS**.

27 (b) Risk reduction service providers, **HCV TREATMENT PROGRAMS,**

1 and AIDS treatment programs throughout the state.

2 Sec. 5915. (1) The department shall utilize the fund to
3 produce or arrange for the production of a media campaign to
4 disseminate information on risk reduction and major risk factors
5 and preventable diseases and conditions including, but not limited
6 to, **HCV AND AIDS**, pursuant to the advice of the ~~commission~~ **TASK**
7 **FORCE** as provided under section ~~5909~~ **5906**.

8 (2) In addition to the requirements of subsection (1), the
9 department shall utilize the fund to produce or arrange for the
10 production of public service announcements regarding risk
11 reduction, **HCV**, and AIDS which shall be distributed to publicly
12 supported radio and television stations and to cable television
13 studios, and which may be distributed to commercial radio and
14 television stations.

15 Sec. 5919. The department shall utilize the fund to develop,
16 in cooperation with institutions of higher education, a risk
17 reduction, **HCV INFORMATION PACKAGE**, and AIDS information package
18 that shall include, but not be limited to, information regarding
19 testing, counseling, transmission, prevention, and treatment.

20 Sec. 5923. (1) The department shall utilize the fund to
21 provide HIV testing free of charge to all residents of this state
22 and all nonresident students enrolled in and attending a public or
23 private college, university, or other postsecondary educational
24 institution in this state. **IF ADDITIONAL FUNDS ARE AVAILABLE, THE**
25 **DEPARTMENT SHALL UTILIZE THE FUND TO PROVIDE HCV TESTING FREE OF**
26 **CHARGE TO RESIDENTS OF THIS STATE WHO ARE IDENTIFIED AS HIGH-RISK**
27 **AND DO NOT HAVE HEALTH INSURANCE, COVERAGE, OR BENEFITS.** All HIV

1 **AND HCV** testing under this section shall be performed by the
2 department or a licensed clinical laboratory designated by the
3 department.

4 (2) As a condition of receiving an HIV **OR HCV** test under this
5 section, the department shall require an individual who requests an
6 HIV **OR HCV** test to undergo counseling both before and after the
7 ~~HIV~~ test. The counseling may be provided by local health
8 department personnel or an individual designated by the local
9 health department who has undergone training approved by the
10 department. The counseling shall be conducted pursuant to protocols
11 approved by the department. If the counseling required under this
12 subsection is provided by a local health department or an
13 individual designated by the local health department, the cost of
14 the counseling shall be paid by the local health department out of
15 the distribution of funds made under section 5(c) of the health and
16 safety fund act, **1987 PA 264, MCL 141.475**. If a distribution of
17 funds is not made under section 5(c) of the health and safety fund
18 act, **1987 PA 264, MCL 141.475**, the cost of counseling provided
19 under this subsection by a local health department or an individual
20 designated by the local health department shall be paid by the
21 department.

22 (3) A person who provides HIV **OR HCV** testing or counseling
23 under this section shall be reimbursed for the cost of the ~~HIV~~
24 testing or counseling only by the department or a local health
25 department, and shall not bill the individual receiving the
26 services or any other person including, but not limited to, a third
27 party payer.

1 Enacting section 1. Sections 5903, 5905, 5907, and 5909 of the
2 public health code, 1978 PA 368, MCL 333.5903, 333.5905, 333.5907,
3 and 333.5909, are repealed.