

HOUSE BILL No. 5015

June 29, 2005, Introduced by Reps. Kahn, Polidori, Ball, Gosselin, David Law, Stakoe, Wenke, Marleau, Green, Shaffer, Jones, Moolenaar, Adamini, Mortimer, Gaffney, Wojno, McDowell, Taub, Ward, Vander Veen, Moore, Hildenbrand, Booher, Robertson, Byrnes, Murphy and Nofs and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 5901, 5909, 5913, 5915, 5919, and 5923 (MCL
333.5901, 333.5909, 333.5913, 333.5915, 333.5919, and 333.5923), as
added by 1987 PA 258, and by adding section 5922.

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

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

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

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

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

9 Sec. 5909. (1) The commission shall do all of the following:

10 (a) Meet not less than quarterly at the call of the
11 chairperson.

12 (b) Advise the governor and the legislature on policies
13 regarding risk reduction, **HCV**, and AIDS.

14 (c) Annually report to the governor and the legislature on
15 major risk factors and preventable diseases or conditions
16 including, but not limited to, **HCV AND** AIDS.

17 (d) Make recommendations to the department regarding the
18 allocation of money from the Michigan health initiative fund
19 including, but not limited to, the level of funding for grants
20 under section 5925.

21 (e) Review and comment to the department on topics determined
22 by the commission to be appropriate for the media campaign
23 conducted under this part.

24 (2) The commission may appoint advisory committees as
25 considered necessary by the commission. The membership of an
26 advisory committee may include individuals who are afflicted by a
27 particular disease or condition and individuals who have training

1 and expertise in a particular major risk factor, disease, or
2 condition. Members of an advisory committee appointed under this
3 subsection shall not be compensated for their services, but may be
4 reimbursed for actual and necessary expenses incurred in the
5 performance of their duties.

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

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

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

14 (b) Risk reduction service providers, **HCV TREATMENT PROGRAMS**,
15 and AIDS treatment programs throughout the state.

16 Sec. 5915. (1) The department shall utilize the fund to
17 produce or arrange for the production of a media campaign to
18 disseminate information on risk reduction and major risk factors
19 and preventable diseases and conditions including, but not limited
20 to, **HCV AND AIDS**, pursuant to the advice of the commission as
21 provided under section 5909.

22 (2) In addition to the requirements of subsection (1), the
23 department shall utilize the fund to produce or arrange for the
24 production of public service announcements regarding risk
25 reduction, **HCV**, and AIDS which shall be distributed to publicly
26 supported radio and television stations and to cable television
27 studios, and which may be distributed to commercial radio and

1 television stations.

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

7 **SEC. 5922. (1) THE DEPARTMENT SHALL UTILIZE THE FUND TO**
8 **DEVELOP ANNUALLY A MODEL HCV INFORMATION PACKAGE THAT SHALL**
9 **INCLUDE, BUT IS NOT LIMITED TO, INFORMATION REGARDING THE STATUS OF**
10 **HCV IN THIS STATE, STATE SUPPORTED TESTING AND COUNSELING PROGRAMS,**
11 **RESEARCH FINDINGS, AND ACCESS TO THE MICHIGAN HEALTH INITIATIVE**
12 **INFORMATION CLEARINGHOUSE ESTABLISHED UNDER SECTION 5913.**

13 **(2) A LOCAL HEALTH DEPARTMENT OR A CONSORTIUM OF LOCAL HEALTH**
14 **DEPARTMENTS MAY APPLY TO THE DEPARTMENT FOR FUNDING TO DEVELOP A**
15 **LOCAL HCV INFORMATION PACKAGE WHICH MAY BE USED AS AN ALTERNATIVE**
16 **TO THE STATE MODEL DEVELOPED UNDER SUBSECTION (1). IF THE**
17 **DEPARTMENT PROVIDES FUNDING UNDER THIS SUBSECTION, THE DEPARTMENT**
18 **SHALL APPROVE THE ALTERNATIVE HCV INFORMATION PACKAGE BEFORE IT IS**
19 **USED BY THE LOCAL HEALTH DEPARTMENT.**

20 **(3) THE MODEL HCV INFORMATION PACKAGE DEVELOPED UNDER**
21 **SUBSECTION (1) MAY BE DISTRIBUTED TO EACH RESIDENCE IN THE STATE,**
22 **EXCEPT THAT THE MODEL HCV INFORMATION PACKAGE NEED NOT BE**
23 **DISTRIBUTED TO A RESIDENCE TO WHICH AN ALTERNATIVE HCV INFORMATION**
24 **PACKAGE DEVELOPED AND APPROVED UNDER SUBSECTION (2) HAS BEEN**
25 **DISTRIBUTED.**

26 Sec. 5923. (1) The department shall utilize the fund to
27 provide HIV **AND HCV** testing free of charge to all residents of this

1 state and all nonresident students enrolled in and attending a
2 public or private college, university, or other postsecondary
3 educational institution in this state. All HIV **AND HCV** testing
4 under this section shall be performed by the department or a
5 licensed clinical laboratory designated by the department.

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

24 (3) A person who provides HIV **OR HCV** testing or counseling
25 under this section shall be reimbursed for the cost of the ~~HIV~~
26 testing or counseling only by the department or a local health
27 department, and shall not bill the individual receiving the

- 1 services or any other person including, but not limited to, a third
- 2 party payer.