

Act No. 539  
Public Acts of 2018  
Approved by the Governor  
December 27, 2018  
Filed with the Secretary of State  
December 28, 2018  
EFFECTIVE DATE: March 28, 2019

**STATE OF MICHIGAN  
99TH LEGISLATURE  
REGULAR SESSION OF 2018**

Introduced by Rep. Hertel

# **ENROLLED HOUSE BILL No. 6023**

AN ACT to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” by amending section 5114 (MCL 333.5114), as amended by 2004 PA 514.

*The People of the State of Michigan enact:*

Sec. 5114. (1) Except as otherwise provided in this section, a person or governmental entity that obtains from a test subject a confirmatory diagnostic test result that indicates that the test subject is HIV infected or from a test subject who has already been diagnosed as HIV infected a clinical test result for medical monitoring ordered to evaluate immune system status, to quantify HIV levels, or to diagnose acquired immunodeficiency syndrome shall, within a time frame determined by the department, report to the appropriate local health department or, if requested by the local health department, to the department on a form provided by the department or through electronic methods approved by the department all of the following information, if available:

- (a) The name and address of the person or governmental entity that submits the report.
- (b) The name, address, and telephone number of the health care provider who diagnosed the test subject or who ordered the test.
- (c) The name, date of birth, race, sex, address, and telephone number of the test subject.
- (d) The date on which the specimen was collected for testing.
- (e) The type of test performed.
- (f) The test result.

(g) If known, whether or not the test subject has tested positive for the presence of HIV or an antibody to HIV on a previous occasion.

(h) The probable method of transmission.

(i) The purpose of the test.

(j) Any other medical or epidemiological information considered necessary by the department for the surveillance, control, and prevention of HIV infections, as described in rules promulgated by the department.

(2) An individual who undergoes a test for HIV or an antibody to HIV in a physician's private practice office or the office of a physician employed by or under contract to a health maintenance organization or who submits a specimen for either of those tests to that physician may request that the report made by the physician under this section not include the name, address, and telephone number of the test subject. Except as otherwise provided in section 5114a, if such a request is made under this subsection, the physician shall comply with the request and submit the specimen to the laboratory without the name, address, or telephone number of the test subject.

Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted into law.

This act is ordered to take immediate effect.



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Clerk of the House of Representatives



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Secretary of the Senate

Approved .....

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Governor