

PUBLIC HEALTH CODE (EXCERPT)

Act 368 of 1978

333.5114a Referral of individual to local health department; assistance with partner notification; information; legal obligation to inform sexual partners; criminal sanctions; partner notification program; confidentiality; priority duty of local health department; destruction of reports, records, and data; information exempt from disclosure.

Sec. 5114a. (1) A person or governmental entity that administers a test for HIV or an antibody to HIV to an individual shall refer the individual to the appropriate local health department for assistance with partner notification if both of the following conditions are met:

(a) The test results indicate that the individual is HIV infected.

(b) The person or governmental entity that administered the test determines that the individual needs assistance with partner notification.

(2) A person or governmental entity that refers an individual to a local health department under subsection (1) shall provide the local health department with information determined necessary by the local health department to carry out partner notification. Information required under this subsection may include, but is not limited to, the name, address, and telephone number of the individual test subject.

(3) A local health department to which an individual is referred under subsection (1) shall inform the individual that he or she has a legal obligation to inform each of his or her sexual partners of the individual's HIV infection before engaging in sexual relations with that sexual partner, and that the individual may be subject to criminal sanctions for failure to so inform a sexual partner.

(4) A partner notification program operated by a local health department must include notification of individuals who are sexual or hypodermic needle-sharing partners of the individual tested under subsection (1). Partner notification is confidential and must be conducted in the form of a direct, one-to-one conversation between the employee of the local health department and the partner of the test subject.

(5) If a local health department receives a report under section 5114(1) that indicates that a resident of this state or an individual located in this state is HIV infected, the local health department shall make it a priority to do all of the following:

(a) Attempt to interview the individual and offer to contact the individual's sexual partners and, if applicable, hypodermic needle-sharing or drug-sharing partners. If the subject of the report is determined to have been infected with HIV in utero, the local health department shall attempt to interview the individual's parent or legal guardian, or both. The interview conducted under this subdivision is voluntary on the part of the individual being interviewed. A local health department shall perform the interview or attempted interview required under this subdivision within 14 days after receipt of a report under section 5114(1).

(b) Within 35 days after the interview conducted under subdivision (a), confidentially, privately, and in a discreet manner contact each individual identified as a sexual or hypodermic needle-sharing or drug-sharing partner regarding the individual's possible exposure to HIV. The local health department shall not reveal to an individual identified as a partner the identity of the individual who has tested positive for HIV or an antibody to HIV except if authorized to do so by the individual who named the contact, and if needed to protect others from exposure to HIV or from transmitting HIV. The local health department shall provide each individual interviewed under subdivision (a) and each individual contacted under this subdivision with all of the following information:

(i) Available medical tests for HIV, an antibody to HIV, and any other indicator of HIV infection.

(ii) Steps to take in order to avoid transmission of HIV.

(iii) Other information considered appropriate by the department.

(6) Each local health department shall report to the department on the reports, records, and data pertaining to information acquired by the local health department under this section. Except as otherwise required by federal law, the reports, records, and data of a local health department, stored on the local health department's server or contained in its paper files, pertaining to information acquired by the local health department under this section, must be destroyed within 365 days after the date the local health department received the information.

(7) Information acquired by the department or a local health department under this section or section 5114 is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

History: Add. 1988, Act 489, Eff. Mar. 30, 1989;—Am. 2004, Act 514, Eff. Apr. 1, 2005;—Am. 2018, Act 567, Eff. Mar. 28, 2019.

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