

PUBLIC HEALTH CODE (EXCERPT)
Act 368 of 1978

PART 59

MICHIGAN HEALTH INITIATIVE PROGRAM

333.5901 Definitions.

Sec. 5901. As used in this part:

- (a) "AIDS" means acquired immunodeficiency syndrome.
- (b) "Advisory task force" means the task force created in section 5906.
- (c) "Fund" means the Michigan health initiative fund created in section 5911.
- (d) "HCV" means hepatitis C virus.
- (e) "HIV" means human immunodeficiency virus.
- (f) "Institute of higher education" means a public or private college or university. Institute of higher education includes a community college.
- (g) "Risk reduction" means the process of identifying and reducing or eliminating behaviors or conditions, or both, that are harmful to physical or mental health, or both.

History: Add. 1987, Act 258, Eff. July 1, 1988;—Am. 2006, Act 238, Imd. Eff. June 26, 2006.

Compiler's note: For transfer of certain powers and duties of the center for health promotion and chronic disease prevention from the department of public health to the director of the department community health, see E.R.O. No. 1996-1, compiled at MCL 330.3101 of the Michigan Compiled Laws.

For transfer of certain powers and duties of the bureau of infectious disease control from the department of public health to the director of the department of community health, see E.R.O. No. 1996-1, compiled at MCL 330.3101 of the Michigan Compiled Laws.

Popular name: Act 368

333.5903 Repealed. 2006, Act 238, Imd. Eff. June 26, 2006.

Compiler's note: The repealed section pertained to creation of risk reduction and AIDS policy commission.

Popular name: Act 368

333.5905 Repealed. 2006, Act 238, Imd. Eff. June 26, 2006.

Compiler's note: The repealed section pertained to membership of risk reduction and AIDS policy commission.

Popular name: Act 368

333.5906 Hepatitis C advisory task force; creation; membership; terms; chairperson and officers; compensation and expenses; business conducted at public meeting; writings; duties; abolishment of task force on June 30, 2010.

Sec. 5906. (1) The hepatitis C advisory task force is created in the department. The task force shall be appointed by the governor. The task force shall consist of 11 members including the director and his or her designee as an ex officio member, 1 member from an association representing local public health, and 9 members appointed from the following categories:

- (a) Business and industry.
- (b) Labor.
- (c) Health care providers.
- (d) The legal community.
- (e) Religious organizations.
- (f) State and local government.
- (g) The education community.

(2) A health care provider member appointed pursuant to subsection (1) shall not be an employee of a state executive department or local health department, nor represent a facility or agency which is owned or operated by a state executive department or a local health department. To the extent practicable, the members appointed pursuant to subsection (1), except the director, shall be representative of the demographic composition and geographic regions of this state.

(3) The term of each member, other than the director, shall be 3 years, except that of the members first appointed, 4 shall serve for 3 years, 3 shall serve for 2 years, and 3 shall serve for 1 year. A member shall not serve more than 2 consecutive terms, whether partial or full. A vacancy on the task force shall be filled for the balance of the unexpired term in the same manner as the original appointment. The task force biannually shall elect a chairperson and other officers and committees as considered appropriate by the task force. The actual and necessary per diem compensation and the schedule for reimbursement of expenses for the public members of the task force shall be the same as is established annually by the legislature for similar

commissions or task forces that are reimbursed from the general fund.

(4) The business which the task force performs shall be conducted at a public meeting of the task force held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. Public notice of the time, date, and place of the meeting shall be given in the manner required by the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. A writing prepared, owned, used, in the possession of, or retained by the task force in the performance of an official function shall be made available to the public in compliance with the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(5) The task force shall do all of the following:

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

(b) Advise the governor and the legislature on policies regarding hepatitis C and risk reduction.

(c) Annually report to the governor and the legislature on major risk factors and preventable diseases or conditions including, but not limited to, hepatitis C.

(d) Make recommendations to the department regarding the allocation of money, if available, from the Michigan health initiative fund or any other source, including, but not limited to, the level of funding for grants under section 5925.

(e) Review and comment to the department on topics determined by the task force to be appropriate for the media campaign conducted under this part.

(f) Review and identify potential additional funding mechanisms and sources to cover the costs of outreach, awareness, available treatment options, and testing, for HCV.

(g) Make recommendations to the department regarding information to be utilized and incorporated into the HCV information package, including, but not limited to, information regarding the status of HCV in this state, state-supported testing and counseling programs, and research findings.

(6) The hepatitis C advisory task force created under this section is abolished effective June 30, 2010.

History: Add. 2006, Act 238, Imd. Eff. June 26, 2006.

Popular name: Act 368

333.5907 Repealed. 2006, Act 238, Imd. Eff. June 26, 2006.

Compiler's note: The repealed section pertained to business conducted at meeting of risk reduction and AIDS policy commission.

Popular name: Act 368

333.5909 Repealed. 2006, Act 238, Imd. Eff. June 26, 2006.

Compiler's note: The repealed section pertained to duties of risk reduction and AIDS policy commission.

Popular name: Act 368

333.5911 Michigan health initiative fund; creation; administration; expenditures; fund cumulative; amounts credited to fund; investment of fund; crediting earnings; disposition and use of unencumbered balance.

Sec. 5911. (1) The Michigan health initiative fund is created in the state treasury and shall be administered by the department. The fund shall be expended only as provided in this part. The fund is in addition to, and is not intended as a replacement for, any other money appropriated to the department.

(2) The state treasurer shall credit to the fund all amounts appropriated for that purpose under this section, section 25 of the general sales tax act, 1933 PA 167, MCL 205.75, and section 21 of the use tax act, 1937 PA 94, MCL 205.11. The state treasurer may receive money or other assets from any source for deposit into the fund.

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

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

History: Add. 1987, Act 258, Eff. July 1, 1988;—Am. 2006, Act 238, Imd. Eff. June 26, 2006.

Popular name: Act 368

333.5913 Michigan health initiative information clearinghouse; establishment; accessibility; duties.

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

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

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

(b) Risk reduction service providers, HCV treatment programs, and AIDS treatment programs throughout the state.

History: Add. 1987, Act 258, Eff. July 1, 1988;—Am. 2006, Act 238, Imd. Eff. June 26, 2006.

Popular name: Act 368

333.5915 Media campaign; public service announcements.

Sec. 5915. (1) The department shall utilize the fund to produce or arrange for the production of a media campaign to disseminate information on risk reduction and major risk factors and preventable diseases and conditions including, but not limited to, HCV and AIDS, pursuant to the advice of the task force as provided under section 5906.

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

History: Add. 1987, Act 258, Eff. July 1, 1988;—Am. 2006, Act 238, Imd. Eff. June 26, 2006.

Popular name: Act 368

333.5917 Risk reduction and AIDS education module; approval process.

Sec. 5917. (1) The department shall utilize the fund, in cooperation with the state board of education, to develop and distribute a risk reduction and AIDS education module appropriate for pupils in elementary and secondary.

(2) The department shall make the risk reduction and AIDS education module available to each school district in the state.

(3) In addition to developing a module as described in subsection (1), the department, in cooperation with the state board of education, may develop a process for approving a risk reduction and AIDS education module developed by a school district.

History: Add. 1987, Act 258, Eff. July 1, 1988.

Popular name: Act 368

333.5919 Risk reduction, HCV information package, and AIDS information package.

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

History: Add. 1987, Act 258, Eff. July 1, 1988;—Am. 2006, Act 238, Imd. Eff. June 26, 2006.

Popular name: Act 368

333.5921 Model AIDS information package; local AIDS information package.

Sec. 5921. (1) The department shall utilize the fund to develop annually a model AIDS information package which shall include, but not be limited to, information regarding the status of AIDS in this state, state supported testing and counseling programs, research findings, and access to the Michigan health initiative information clearinghouse established under section 5913.

(2) A local health department or a consortium of local health departments may apply to the department for funding to develop a local AIDS information package which may be used as an alternative to the state model developed under subsection (1). If the department provides funding under this subsection, the department shall approve the alternative AIDS information package before it is used by the local health department.

(3) The model AIDS information package developed under subsection (1) may be distributed to each residence in the state, except that the model AIDS information package need not be distributed to a residence to which an alternative AIDS information package developed and approved under subsection (2) has been distributed.

History: Add. 1987, Act 258, Eff. July 1, 1988.

Popular name: Act 368

333.5923 HIV and HCV testing; counseling; costs.

Sec. 5923. (1) The department shall utilize the fund to provide HIV testing free of charge to all residents of this state and all nonresident students enrolled in and attending a public or private college, university, or other postsecondary educational institution in this state. If additional funds are available, the department shall utilize the fund to provide HCV testing free of charge to residents of this state who are identified as high-risk and do not have health insurance, coverage, or benefits. All HIV and HCV testing under this section shall be

performed by the department or a licensed clinical laboratory designated by the department.

(2) As a condition of receiving an HIV or HCV test under this section, the department shall require an individual who requests an HIV or HCV test to undergo counseling both before and after the test. The counseling may be provided by local health department personnel or an individual designated by the local health department who has undergone training approved by the department. The counseling shall be conducted pursuant to protocols approved by the department. If the counseling required under this subsection is provided by a local health department or an individual designated by the local health department, the cost of the counseling shall be paid by the local health department out of the distribution of funds made under section 5(c) of the health and safety fund act, 1987 PA 264, MCL 141.475. If a distribution of funds is not made under section 5(c) of the health and safety fund act, 1987 PA 264, MCL 141.475, the cost of counseling provided under this subsection by a local health department or an individual designated by the local health department shall be paid by the department.

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

History: Add. 1987, Act 258, Eff. July 1, 1988;—Am. 2006, Act 238, Imd. Eff. June 26, 2006.

Popular name: Act 368

333.5925 Employee wellness programs; grants; applications; rules.

Sec. 5925. (1) The department shall utilize the fund to provide grants for employee wellness programs which reduce the prevalence of high risk factors for employees. Programs funded under this section may provide services to employees, dependents of employees, and to retired employees.

(2) The department shall accept applications for funding from any employer or employee organization in the state. The department shall give special consideration to programs which address more than 1 high risk factor and which are to be conducted by more than 1 employer or employee organization.

(3) The department shall promulgate rules to implement this section. The rules promulgated under this subsection shall be submitted for public hearing under the administrative procedures act of 1969 within 60 days after the effective date of this part.

History: Add. 1987, Act 258, Eff. July 1, 1988.

Popular name: Act 368

333.5927 Educational programs for health care workers; availability of educational materials to individuals at high risk for hepatitis C virus.

Sec. 5927. (1) The department shall utilize the fund to develop educational programs for health care workers, whether licensed or not, regarding the delivery of quality care and protection against exposure to disease in the workplace.

(2) The department shall utilize the fund to make available to health care workers, veterans, public safety officers, parolees, and other individuals at high risk for the hepatitis C virus educational materials, in written and electronic forms, on the diagnosis, treatment, and prevention of the hepatitis C virus. The educational materials shall include the recommendations of the federal centers for disease control and prevention regarding prevention and control of the hepatitis C virus. As used in this subsection, "public safety officer" means any individual serving a public agency in an official capacity, with or without compensation, as a law enforcement officer, firefighter, or emergency medical services personnel.

History: Add. 1987, Act 258, Eff. July 1, 1988;—Am. 2006, Act 239, Imd. Eff. June 26, 2006.

Popular name: Act 368

333.5929 Local community demonstration and pilot projects; grants.

Sec. 5929. The department shall utilize the fund to provide grants for local community demonstration and pilot projects that provide a network of care to AIDS patients in a nonacute care setting. The department shall give special consideration to applicants with projects designed to provide care on a regional basis.

History: Add. 1987, Act 258, Eff. July 1, 1988.

Popular name: Act 368