

SUBSTITUTE FOR  
HOUSE BILL NO. 6022

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
by amending section 5123 (MCL 333.5123), as amended by 2016 PA 68.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 5123. (1) ~~A—EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION~~  
2       **(3), A** physician or an individual otherwise authorized by law to  
3       provide medical treatment to a pregnant woman shall take or cause  
4       to be taken ~~—~~at the time of the woman's initial examination ~~—~~test  
5       specimens of the woman **FOR THE PURPOSE OF PERFORMING TESTS FOR HIV,**  
6       **SYPHILIS, AND HEPATITIS B, AND TAKE OR CAUSE TO BE TAKEN DURING THE**  
7       **THIRD TRIMESTER OF THE WOMAN'S PREGNANCY TEST SPECIMENS OF THE**  
8       **WOMAN FOR THE PURPOSE OF PERFORMING TESTS FOR HIV, HEPATITIS B, AND**  
9       **SYPHILIS IN ACCORDANCE WITH GUIDELINES ESTABLISHED BY THE FEDERAL**

House Bill No. 6022 as amended December 19, 2018

1 **CENTERS FOR DISEASE CONTROL AND PREVENTION**, and shall submit the  
 2 specimens to a clinical laboratory approved by the department for  
 3 the purpose of performing tests approved by the department for  
 4 ~~sexually transmitted infection, HIV or an antibody to HIV, and~~  
 5 ~~hepatitis B. If, **THE INFECTIONS DESCRIBED IN THIS SUBSECTION.**~~

6 (2) **EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3), IF**, when a  
 7 woman appears at a health care facility to deliver an infant or for  
 8 care in the immediate postpartum period having recently delivered  
 9 an infant outside a health care facility, no record of results from  
 10 the tests required under ~~this~~ subsection (1) is readily available  
 11 to the physician or individual otherwise authorized to provide care  
 12 in such a setting, then the physician or individual otherwise  
 13 authorized to provide care shall take or cause to be taken **TEST**  
 14 specimens of the woman and shall submit the specimens to a clinical  
 15 laboratory approved by the department for the purpose of performing  
 16 ~~department approved tests~~ **APPROVED BY THE DEPARTMENT** for ~~sexually~~  
 17 ~~transmitted infection, **SYPHILIS**, HIV, or an antibody to HIV, and~~  
 18 ~~hepatitis B. This subsection does~~

19 (3) **SUBSECTIONS (1) AND (2) DO** not apply if, in the  
 20 professional opinion of ~~the~~ **A** physician, ~~or other person,~~ the tests  
 21 are medically inadvisable or the woman does not consent to be  
 22 tested. <<**THE WOMAN MAY ORALLY COMMUNICATE HER DECISION TO DECLINE THE**  
 23 **TESTING.>>**

24 (4) ~~(2)~~ The physician or other individual described in  
 25 ~~subsection~~ **SUBSECTIONS (1) AND (2)** shall make and retain a record  
 26 showing the date the tests required under ~~subsection~~ **SUBSECTIONS**  
 27 (1) **AND (2)** were ordered and the results of the tests. If the tests  
 were not ordered by the physician or other person, the record shall

1 **MUST** contain an explanation of why the tests were not ordered.

2           (5) ~~(3)~~—The test results and the records required under  
3 subsection ~~(2)~~—(4) are not public records, but ~~shall be~~ **ARE**  
4 available to a local health department and to a physician who  
5 provides medical treatment to the woman or her offspring.

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