

SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 5015

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
by amending sections 5901, 5911, 5913, 5915, 5919, and 5923 (MCL  
333.5901, 333.5911, 333.5913, 333.5915, 333.5919, and 333.5923), as  
added by 1987 PA 258, and by adding section 5906; and to repeal  
acts and parts of acts.

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       (B) "ADVISORY TASK FORCE" MEANS THE TASK FORCE CREATED IN

1   **SECTION 5906.**

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

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

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

6           (F) ~~—(e)—~~ "Institute of higher education" means a public or  
7   private college or university. Institute of higher education  
8   includes a community college.

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

12          SEC. 5906. (1) THE HEPATITIS C ADVISORY TASK FORCE IS CREATED  
13   IN THE DEPARTMENT. THE TASK FORCE SHALL BE APPOINTED BY THE  
14   GOVERNOR. THE TASK FORCE SHALL CONSIST OF 11 MEMBERS INCLUDING THE  
15   DIRECTOR AND HIS OR HER DESIGNEE AS AN EX OFFICIO MEMBER, 1 MEMBER  
16   FROM AN ASSOCIATION REPRESENTING LOCAL PUBLIC HEALTH, AND 9 MEMBERS  
17   APPOINTED FROM THE FOLLOWING CATEGORIES:

18          (A) BUSINESS AND INDUSTRY.

19          (B) LABOR.

20          (C) HEALTH CARE PROVIDERS.

21          (D) THE LEGAL COMMUNITY.

22          (E) RELIGIOUS ORGANIZATIONS.

23          (F) STATE AND LOCAL GOVERNMENT.

24          (G) THE EDUCATION COMMUNITY.

25          (2) A HEALTH CARE PROVIDER MEMBER APPOINTED PURSUANT TO  
26   SUBSECTION (1) SHALL NOT BE AN EMPLOYEE OF A STATE EXECUTIVE  
27   DEPARTMENT OR LOCAL HEALTH DEPARTMENT, NOR REPRESENT A FACILITY OR

1 AGENCY WHICH IS OWNED OR OPERATED BY A STATE EXECUTIVE DEPARTMENT  
2 OR A LOCAL HEALTH DEPARTMENT. TO THE EXTENT PRACTICABLE, THE  
3 MEMBERS APPOINTED PURSUANT TO SUBSECTION (1), EXCEPT THE DIRECTOR,  
4 SHALL BE REPRESENTATIVE OF THE DEMOGRAPHIC COMPOSITION AND  
5 GEOGRAPHIC REGIONS OF THIS STATE.

6 (3) THE TERM OF EACH MEMBER, OTHER THAN THE DIRECTOR, SHALL BE  
7 3 YEARS, EXCEPT THAT OF THE MEMBERS FIRST APPOINTED, 4 SHALL SERVE  
8 FOR 3 YEARS, 3 SHALL SERVE FOR 2 YEARS, AND 3 SHALL SERVE FOR 1  
9 YEAR. A MEMBER SHALL NOT SERVE MORE THAN 2 CONSECUTIVE TERMS,  
10 WHETHER PARTIAL OR FULL. A VACANCY ON THE TASK FORCE SHALL BE  
11 FILLED FOR THE BALANCE OF THE UNEXPIRED TERM IN THE SAME MANNER AS  
12 THE ORIGINAL APPOINTMENT. THE TASK FORCE BIANNUALLY SHALL ELECT A  
13 CHAIRPERSON AND OTHER OFFICERS AND COMMITTEES AS CONSIDERED  
14 APPROPRIATE BY THE TASK FORCE. THE ACTUAL AND NECESSARY PER DIEM  
15 COMPENSATION AND THE SCHEDULE FOR REIMBURSEMENT OF EXPENSES FOR THE  
16 PUBLIC MEMBERS OF THE TASK FORCE SHALL BE THE SAME AS IS  
17 ESTABLISHED ANNUALLY BY THE LEGISLATURE FOR SIMILAR COMMISSIONS OR  
18 TASK FORCES THAT ARE REIMBURSED FROM THE GENERAL FUND.

19 (4) THE BUSINESS WHICH THE TASK FORCE PERFORMS SHALL BE  
20 CONDUCTED AT A PUBLIC MEETING OF THE TASK FORCE HELD IN COMPLIANCE  
21 WITH THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275.  
22 PUBLIC NOTICE OF THE TIME, DATE, AND PLACE OF THE MEETING SHALL BE  
23 GIVEN IN THE MANNER REQUIRED BY THE OPEN MEETINGS ACT, 1976 PA 267,  
24 MCL 15.261 TO 15.275. A WRITING PREPARED, OWNED, USED, IN THE  
25 POSSESSION OF, OR RETAINED BY THE TASK FORCE IN THE PERFORMANCE OF  
26 AN OFFICIAL FUNCTION SHALL BE MADE AVAILABLE TO THE PUBLIC IN  
27 COMPLIANCE WITH THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL

1 15.231 TO 15.246.

2 (5) THE TASK FORCE SHALL DO ALL OF THE FOLLOWING:

3 (A) MEET NOT LESS THAN QUARTERLY AT THE CALL OF THE  
4 CHAIRPERSON.

5 (B) ADVISE THE GOVERNOR AND THE LEGISLATURE ON POLICIES  
6 REGARDING HEPATITIS C AND RISK REDUCTION.

7 (C) ANNUALLY REPORT TO THE GOVERNOR AND THE LEGISLATURE ON  
8 MAJOR RISK FACTORS AND PREVENTABLE DISEASES OR CONDITIONS  
9 INCLUDING, BUT NOT LIMITED TO, HEPATITIS C.

10 (D) MAKE RECOMMENDATIONS TO THE DEPARTMENT REGARDING THE  
11 ALLOCATION OF MONEY, IF AVAILABLE, FROM THE MICHIGAN HEALTH  
12 INITIATIVE FUND OR ANY OTHER SOURCE, INCLUDING, BUT NOT LIMITED TO,  
13 THE LEVEL OF FUNDING FOR GRANTS UNDER SECTION 5925.

14 (E) REVIEW AND COMMENT TO THE DEPARTMENT ON TOPICS DETERMINED  
15 BY THE TASK FORCE TO BE APPROPRIATE FOR THE MEDIA CAMPAIGN  
16 CONDUCTED UNDER THIS PART.

17 (F) REVIEW AND IDENTIFY POTENTIAL ADDITIONAL FUNDING  
18 MECHANISMS AND SOURCES TO COVER THE COSTS OF OUTREACH, AWARENESS,  
19 AVAILABLE TREATMENT OPTIONS, AND TESTING, FOR HCV.

20 (G) MAKE RECOMMENDATIONS TO THE DEPARTMENT REGARDING  
21 INFORMATION TO BE UTILIZED AND INCORPORATED INTO THE HCV  
22 INFORMATION PACKAGE, INCLUDING, BUT NOT LIMITED TO, INFORMATION  
23 REGARDING THE STATUS OF HCV IN THIS STATE, STATE-SUPPORTED TESTING  
24 AND COUNSELING PROGRAMS, AND RESEARCH FINDINGS.

25 (6) THE HEPATITIS C ADVISORY TASK FORCE CREATED UNDER THIS  
26 SECTION IS ABOLISHED EFFECTIVE JUNE 30, 2010.

27 Sec. 5911. (1) The Michigan health initiative fund is created

1 in the state treasury and shall be administered by the department.  
2 The fund shall be expended only as provided in this part. The fund  
3 is in addition to, and is not intended as a replacement for, any  
4 other money appropriated to the department.

5 (2) The state treasurer shall credit to the fund all amounts  
6 appropriated for that purpose under ~~section 11 of the Michigan~~  
7 ~~health initiative revenue act, section 25 of the general sales tax~~  
8 ~~act, Act No. 167 of the Public Acts of 1933, being section 205.75~~  
9 ~~of the Michigan Compiled Laws, and section 21 of the use tax act,~~  
10 ~~Act No. 94 of the Public Acts of 1937, being section 205.111 of the~~  
11 ~~Michigan Compiled Laws~~ **THIS SECTION, SECTION 25 OF THE GENERAL**  
12 **SALES TAX ACT, 1933 PA 167, MCL 205.75, AND SECTION 21 OF THE USE**  
13 **TAX ACT, 1937 PA 94, MCL 205.11. THE STATE TREASURER MAY RECEIVE**  
14 **MONEY OR OTHER ASSETS FROM ANY SOURCE FOR DEPOSIT INTO THE FUND.**

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

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

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

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

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

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

3 Sec. 5915. (1) The department shall utilize the fund to  
4 produce or arrange for the production of a media campaign to  
5 disseminate information on risk reduction and major risk factors  
6 and preventable diseases and conditions including, but not limited  
7 to, **HCV AND AIDS**, pursuant to the advice of the ~~commission~~ **TASK**  
8 **FORCE** as provided under section ~~5909~~ **5906**.

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

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

21 Sec. 5923. (1) The department shall utilize the fund to  
22 provide HIV testing free of charge to all residents of this state  
23 and all nonresident students enrolled in and attending a public or  
24 private college, university, or other postsecondary educational  
25 institution in this state. **IF ADDITIONAL FUNDS ARE AVAILABLE, THE**  
26 **DEPARTMENT SHALL UTILIZE THE FUND TO PROVIDE HCV TESTING FREE OF**  
27 **CHARGE TO RESIDENTS OF THIS STATE WHO ARE IDENTIFIED AS HIGH-RISK**

1   **AND DO NOT HAVE HEALTH INSURANCE, COVERAGE, OR BENEFITS.** All HIV  
2   **AND HCV** testing under this section shall be performed by the  
3   department or a licensed clinical laboratory designated by the  
4   department.

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

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

1 party payer.

2 Enacting section 1. Sections 5903, 5905, 5907, and 5909 of the  
3 public health code, 1978 PA 368, MCL 333.5903, 333.5905, 333.5907,  
4 and 333.5909, are repealed.