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:

Sec. 5123. (1) A—EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3), A physician or an individual otherwise authorized by law to provide medical treatment to a pregnant woman shall take or cause to be taken, at the time of the woman's initial examination, test specimens of the woman FOR THE PURPOSE OF PERFORMING TESTS FOR HIV, SYPHILIS, AND HEPATITIS B, AND TAKE OR CAUSE TO BE TAKEN DURING THE THIRD TRIMESTER OF THE WOMAN'S PREGNANCY TEST SPECIMENS OF THE WOMAN FOR THE PURPOSE OF PERFORMING TESTS FOR HIV, HEPATITIS B, AND SYPHILIS IN ACCORDANCE WITH GUIDELINES ESTABLISHED BY THE FEDERAL
House Bill No. 6022 as amended December 19, 2018

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

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

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

(4) (2) The physician or other individual described in subsection SUBSECTIONS (1) AND (2) shall make and retain a record showing the date the tests required under subsection SUBSECTIONS (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
MUST contain an explanation of why the tests were not ordered.

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

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