

SENATE BILL No. 1130

October 22, 2014, Introduced by Senators KAHN, PAPPAGEORGE and PROOS and referred to the Committee on Judiciary.

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 5101 and 5210 (MCL 333.5101 and 333.5210), section 5101 as amended by 2010 PA 119 and section 5210 as added by 1988 PA 490.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5101. (1) As used in this article:

2 (a) "Care" includes treatment, control, transportation,
3 confinement, and isolation in a facility or other location.

4 (b) "Communicable disease" means an illness due to a specific
5 infectious agent or its toxic products that results from
6 transmission of that infectious agent or its products from a
7 reservoir to a susceptible host, directly as from an infected
8 individual or animal, or indirectly through the agency of an

1 intermediate plant or animal host, vector, or the inanimate
2 environment.

3 (c) "HIV" means human immunodeficiency virus.

4 (d) "HIV infection" or "HIV infected" means the status of an
5 individual who has tested positive for HIV, as evidenced by either
6 a double positive enzyme-linked immunosorbent assay test, combined
7 with a positive western blot assay test, or a positive result under
8 an HIV test that is considered reliable by the federal centers for
9 disease control and prevention and is approved by the department.

10 (e) "Immunization" means the process of increasing an
11 individual's immunity to a disease by use of a vaccine, antibody
12 preparation, or other substance.

13 (f) "Infection" means the invasion of the body with
14 microorganisms or parasites, **REGARDLESS OF** whether ~~or not~~ the
15 invasion results in detectable pathologic effects.

16 (g) "Serious communicable disease or infection" means a
17 communicable disease or infection that is designated as serious by
18 the department pursuant to this part. Serious communicable disease
19 or infection includes, but is not limited to, HIV infection,
20 acquired immunodeficiency syndrome, **HEPATITIS C VIRUS**, venereal
21 disease, and tuberculosis.

22 (h) "Venereal disease" means syphilis, gonorrhea, chancroid,
23 lymphogranuloma venereum, granuloma inguinale, and other sexually
24 transmitted diseases that the department may designate and require
25 to be reported under section 5111.

26 (2) In addition, article 1 contains general definitions and
27 principles of construction applicable to all articles in this code.

1 Sec. 5210. (1) ~~A person~~ **AN INDIVIDUAL** who knows that he or she
2 has or has been diagnosed as having acquired immunodeficiency
3 syndrome, ~~or~~ acquired immunodeficiency syndrome related complex, **OR**
4 **THE HEPATITIS C VIRUS**, or who knows that he or she is HIV infected,
5 and who engages in sexual penetration with another ~~person~~
6 **INDIVIDUAL** without having first informed the other ~~person~~
7 **INDIVIDUAL** that he or she has acquired immunodeficiency syndrome,
8 ~~or~~ acquired immunodeficiency syndrome related complex, **OR THE**
9 **HEPATITIS C VIRUS**, or is HIV infected, is guilty of a felony.

10 (2) As used in this section, "sexual penetration" means sexual
11 intercourse, cunnilingus, fellatio, anal intercourse, or any other
12 intrusion, however slight, of any part of a person's body or of any
13 object into the genital or anal openings of another person's body,
14 but emission of semen is not required.