

SUBSTITUTE FOR
HOUSE BILL NO. 6020

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 5210 (MCL 333.5210), as added by 1988 PA 490.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5210. (1) A person who knows that he or she has ~~or has~~
2 ~~been diagnosed as having acquired immunodeficiency syndrome or~~
3 ~~acquired immunodeficiency syndrome related complex, or who knows~~
4 ~~that he or she is HIV infected, and~~ **THE HUMAN IMMUNODEFICIENCY**
5 **VIRUS (HIV)** who engages in ~~sexual penetration~~ **ANAL OR VAGINAL**
6 **INTERCOURSE** with another person without having first informed the
7 other person that he or she has ~~acquired immunodeficiency syndrome~~
8 ~~or acquired immunodeficiency syndrome related complex or is HIV~~
9 ~~infected,~~ **WITH THE SPECIFIC INTENT THAT THE UNINFECTED PERSON**
10 **CONTRACT HIV** is guilty of a felony.

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

6 (2) A PERSON WHO KNOWS THAT HE OR SHE HAS HIV WHO, WITHOUT
7 HAVING FIRST INFORMED THE OTHER PERSON THAT HE OR SHE HAS HIV,
8 ENGAGES IN VAGINAL OR ANAL INTERCOURSE, AND TRANSMITS HIV TO AN
9 UNINFECTED PERSON CAUSING THAT PERSON TO BECOME HIV POSITIVE, ACTS
10 WITH RECKLESS DISREGARD AND IS GUILTY OF A FELONY.

11 (3) A PERSON WHO KNOWS THAT HE OR SHE HAS HIV WHO, WITHOUT
12 HAVING FIRST INFORMED THE OTHER PERSON THAT HE OR SHE HAS HIV,
13 ENGAGES IN VAGINAL OR ANAL INTERCOURSE, AND WHO ACTS WITH RECKLESS
14 DISREGARD BUT DOES NOT TRANSMIT HIV, IS GUILTY OF A MISDEMEANOR
15 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR A FINE OF
16 NOT MORE THAN \$1,000.00, OR BOTH.

17 (4) A PERSON WHO KNOWS THAT HE OR SHE HAS HIV WHO IS ADHERENT
18 WITH THE TREATMENT PLAN OF AN ATTENDING PHYSICIAN AND HAS BEEN
19 MEDICALLY SUPPRESSED PER ACCEPTED MEDICAL STANDARDS IS NOT ACTING
20 WITH RECKLESS DISREGARD.

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