



STATE OF MICHIGAN

DEPARTMENT OF HEALTH AND HUMAN SERVICES
LANSING

GRETCHEN WHITMER
GOVERNOR

ROBERT GORDON
DIRECTOR

June 8, 2020

Dear Colleague:

In late 2018, the Michigan Department of Health and Human Services (MDHHS) worked with the Michigan Legislature, HIV advocates, and HIV service providers to amend the Public Health Code statutes related to HIV. Changes include updating the HIV disclosure law, increased perinatal HIV/STD/Hepatitis B testing for at-risk women, reduced requirements for HIV testing consent requirements, and modifying HIV reporting and partner service requirements. Through this work, the health code now reflects the advancements in HIV science, and the evolution of our processes and practices.

There is specific interest in interpretation of the revisions to the HIV disclosure law. The updates modify the statutes so that those living with HIV who are on treatment, are virally suppressed, and have no intent to infect are protected from prosecution. It also narrows the scope of sexual activities subject to prosecution, from "any type of sexual penetration" to only "vaginal and anal sex." For people living with HIV who are not on treatment and not virally suppressed, it remains a felony if they do not disclose and **do** transmit HIV sexually. Any person with the "specific intent" to infect another person also remains subject to prosecution if they engage in anal or vaginal intercourse, and do not disclose it to the other person. If they do not disclose and do not transmit, the penalty has been reduced to a misdemeanor in the amended statute.

To highlight the changes for all statutes, MDHHS has created a summary document to assist in understanding the updates and the way they may influence your work in testing and treating HIV and other STDs. MDHHS asks our partners to familiarize themselves with the changes and to share the information with colleagues and medical professionals to adopt these changes as rapidly as possible. The summary document can be found at www.michigan.gov/hivstd on the resources page under the "News & Announcements" under "HIV/STD Law Updates." In addition, MDHHS has created a one-hour CE webinar for physicians, nurses, and social workers on these updates, which can be accessed at <https://bit.ly/2UdnpAR>.

Thank you for your assistance and willingness to be informed about the changes to the HIV and STD related laws. If you have questions on how MDHHS can support you, please contact the Director of the Division of HIV and STD Programs, Katie Macomber at macomberk@michigan.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Joneigh S. Khaldun".

Joneigh S. Khaldun, MD, MPH, FACEP
Chief Medical Executive
Chief Deputy Director for Health

JK:km

HIV and STD Public Health Law Revisions Webinar

A webinar on Michigan's HIV and STD Public Health Law revisions related to:

- HIV disclosure
- HIV and syphilis perinatal testing
- Testing algorithms and language
- Reporting guidelines

The webinar will be available starting June 19th
at: <https://bit.ly/2UdnpAR>

This recorded webinar has been awarded 1.00 educational hours for Nursing, Michigan Social Work, and *AMA PRA Category 1TM* Physician Credits. Additional details for claiming credit are found in the webinar. This event was jointly provided by MPHI-CES.