

# Legislative Analysis



## TESTING FOR CORONAVIRUS

Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**House Bill 5704 as passed by the House**  
**Sponsor: Rep. Jeff Yaroeh**  
**Committee: Health Policy [Discharged]**  
**Complete to 5-15-20**

Analysis available at  
<http://www.legislature.mi.gov>

### SUMMARY:

House Bill 5704 would amend the Public Health Code to require coronavirus (COVID-19) test results for an emergency patient transported to a health facility to be shared in certain cases with a first responder<sup>1</sup> or other individual who assisted or transported that patient.

Currently, under either of the following circumstances, a health facility must notify a first responder or individual of the results of an emergency patient's test:

- If a first responder or other individual assists or transports an emergency patient (or an individual who is not a first responder is exposed to the blood, body fluids, or airborne agents of the patient), the patient is tested for the presence of an *infectious agent* as part of the treatment rendered by the health facility, and the test results are positive.

*Infectious agent*, as defined in the Michigan Administrative Code,<sup>2</sup> includes 29 diseases or organisms, including AIDS, HIV, cholera, plague, meningococcus, leprosy, rabies, and other lesser-known agents.

The bill would specify that coronavirus be considered an infectious agent as well.

- If the first responder or other individual is exposed<sup>3</sup> to the blood or body fluids of the emergency patient and requests an HIV or HBV (hepatitis B) test, or both, and the test results are positive or negative. (When such a request is made, the health facility can decline to test if the person's account of the exposure is not credible, if the exposure did not meet the minimum criteria, or if testing is not feasible.)

The bill would add coronavirus to the list of infectious agents for which a first responder or other individual could request the emergency patient be tested if the first responder or other person was exposed (as above) to the patient's blood or body fluids.

Under both current law and the bill, the required notification must take place within two days of the positive test or within two days of the written request for a test. The information in the notice is confidential and may not include information identifying the emergency patient.

MCL 333.20191

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<sup>1</sup> Specifically, a medical first responder, emergency medical technician, emergency medical technician specialist, or paramedic; an individual holding a temporary license for any of those professions; an emergency medical services instructor coordinator; a police officer; or a firefighter.

<sup>2</sup> R 325.9031: [https://dtmb.state.mi.us/ORRDocs/AdminCode/375\\_10352\\_AdminCode.pdf](https://dtmb.state.mi.us/ORRDocs/AdminCode/375_10352_AdminCode.pdf)

<sup>3</sup> Current law, which the bill would adopt, specifically requires a percutaneous (through the skin), mucous membrane, or open wound exposure. [Note: While HIV and HBV are transmitted through blood and body fluids, COVID-19 is primarily a respiratory disease, which can be transmitted without the kind of exposure the bill would specify.]

**FISCAL IMPACT:**

House Bill 5704 would not have any significant fiscal impact on state or local governments. Procedures are currently in place for similar notifications.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.