

Section 24. Additional Protections for Information/Records Under Michigan Law

24.1 HIV/AIDS and Other Serious Communicable Diseases (MCL 333.5131)

Michigan Public Health Code defines a “communicable disease” in MCL 333.5101 as “an illness due to a specific infectious agent or its toxic products that results from transmission of that infectious agent or its products from a reservoir to a susceptible host, directly as from an infected individual or animal, or indirectly through the agency of an intermediate plant or animal host, vector, or the inanimate environment.”

A “serious communicable disease or infection” is defined as “a communicable disease or infection that is designated as serious by the [Michigan Department of Community Health]. Serious communicable disease or infection includes, but is not limited to, HIV infection, acquired immunodeficiency syndrome, venereal disease, and tuberculosis.”

Any report, record, or data related to HIV/AIDS or other serious communicable disease testing, care, treatment, reporting, or research is confidential and may be disclosed only in response to a court order, but only if: (1) the court determines that other ways of obtaining the information are not available or would not be effective; and (2) the public interest in and the need for the disclosure outweigh the potential for injury to the subject. The court order must:

- Limit disclosure to those parts of the subject's record that are determined to be essential to fulfill the objective of the order.
- Limit disclosure to those individuals whose need for the information is the basis of the order.
- Include other measures necessary to limit disclosure for the protection of the subject.