

PUBLIC HEALTH CODE (EXCERPT)
Act 368 of 1978

333.5210 Intercourse with specific intent or reckless disregard to infect with HIV; felony; violations as misdemeanor.

Sec. 5210.

(1) A person who knows that he or she has the human immunodeficiency virus (HIV) who engages in anal or vaginal intercourse with another person without having first informed the other person that he or she has HIV with the specific intent that the uninfected person contract HIV is guilty of a felony.

(2) A person who knows that he or she has HIV who, without having first informed the other person that he or she has HIV, engages in vaginal or anal intercourse, and transmits HIV to an uninfected person causing that person to become HIV positive, acts with reckless disregard and is guilty of a felony.

(3) A person who knows that he or she has HIV who, without having first informed the other person that he or she has HIV, engages in vaginal or anal intercourse, and who acts with reckless disregard but does not transmit HIV, is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both.

(4) A person who knows that he or she has HIV who is adherent with the treatment plan of an attending physician and has been medically suppressed per accepted medical standards is not acting with reckless disregard.

History: Add. 1988, Act 490, Eff. Mar. 30, 1989 ;-- Am. 2018, Act 537, Eff. Mar. 28, 2019

Popular Name: Act 368