

WILLIAM DONALD SCHAEFER, Governor

(IV) A TISSUE BANK; OR

(V) THE OFFICE OF 1 OR MORE PHYSICIANS.

(4) "LABORATORY" MEANS A PUBLIC LABORATORY, MEDICAL LABORATORY, OR MEDICAL TEST UNIT AS THOSE TERMS ARE DEFINED IN TITLE 17 OF THIS ARTICLE.

(5) "PHYSICIAN" MEANS A PERSON LICENSED TO PRACTICE UNDER TITLE 14 OF THE HEALTH OCCUPATIONS ARTICLE.

(6) (I) "TISSUE BANK" MEANS AN ESTABLISHMENT THAT OBTAINS, STORES, PROCESSES, DISTRIBUTES, OR SELLS HUMAN BLOOD OR OTHER HUMAN TISSUE FOR USE IN THE HUMAN BODY.

(II) "TISSUE BANK" INCLUDES A BLOOD BANK OR SPERM BANK.

(B) (1) SUBJECT TO THE PROVISIONS OF PARAGRAPH (2) OF THIS SUBSECTION, AN INSTITUTION THAT OBTAINS OR PROCESSES SPERM SEMEN, BLOOD, OR TISSUE SHALL SEND THE SPERM SPECIMEN TO A LABORATORY APPROVED BY THE DEPARTMENT TO TEST FOR HIV. OBTAIN AND SEND A BLOOD SAMPLE FROM EACH POTENTIAL DONOR OF SEMEN, BLOOD, OR TISSUE TO A LABORATORY APPROVED BY THE DEPARTMENT TO TEST FOR HIV ANTIBODIES.

(2) BEFORE OBTAINING A BLOOD SAMPLE FROM A POTENTIAL SEMEN, BLOOD, OR TISSUE DONOR THE INSTITUTION SHALL:

(I) INFORM THE POTENTIAL DONOR, IN LAYMAN'S TERMS, THAT A BLOOD SAMPLE OF THE DONOR WILL BE TESTED FOR HIV ANTIBODIES AND IF THE DONOR'S BLOOD SAMPLE TESTS POSITIVE FOR HIV ANTIBODIES THE RESULT WILL BE REPORTED TO THE DEPARTMENT; AND

(II) OBTAIN WRITTEN CONSENT FROM THE POTENTIAL DONOR ON A FORM PROVIDED BY THE DEPARTMENT FOR THE ADMINISTRATION OF THE HIV ANTIBODY TEST AND FOR THE DISCLOSURE OF A POSITIVE TEST RESULT TO THE DEPARTMENT.

(C) AN INSTITUTION THAT OBTAINS A POSITIVE HIV ANTIBODY TEST RESULT UNDER SUBSECTION (B) OF THIS SECTION SHALL:

(1) NOTIFY THE POTENTIAL DONOR FROM WHOM THE BLOOD SAMPLE WAS OBTAINED OF THE POSITIVE RESULT;

(2) INFORM THE INDIVIDUAL OF AVAILABLE COUNSELING;
AND

(3) REPORT THE RESULT TO THE DEPARTMENT ON THE FORM THE DEPARTMENT PROVIDES.