

Approved May 9, 1995.

CHAPTER 321

(House Bill 1074)

AN ACT concerning

Health Care Provider – HIV Testing – Informed Consent

FOR the purpose of clarifying certain provisions of the law that require certain health care providers to seek informed consent of a patient to test for the presence of human immunodeficiency virus (HIV) under certain circumstances; and generally relating to informed consent for testing for the presence of HIV.

BY repealing and reenacting, with amendments,

Article – Health – General

Section 18-336

Annotated Code of Maryland

(1994 Replacement Volume and 1994 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Health – General

18-336.

(a) (1) In this section the following words have the meanings indicated.

(2) “HIV” means the human immunodeficiency virus that causes acquired immune deficiency syndrome.

(3) “Health care provider” means a physician, nurse, or designee of a health care facility.

(b) Except as provided in Article 27, § 765 of the Code, before obtaining a [blood] FLUID OR TISSUE sample from THE BODY OF an individual for the purpose of testing the [blood] FLUID OR TISSUE for the presence of HIV infection, a health care provider shall:

(1) Obtain written informed consent from the individual on a uniform HIV informed consent form that the Department shall develop consistent with the requirements of the Department as established by regulations adopted by the Department; and

(2) Provide the individual with pretest counseling, including:

(i) Education about HIV infection and methods for preventing transmission;