

(2) A local health officer may not disclose positive test results to a victim or a charged or convicted individual without also providing, offering, or arranging for the provision of appropriate counseling to the victim and the charged or convicted individual.

(f) The Department shall adopt regulations to implement the provisions of this section, including regulations regarding:

(1) The confidentiality of test results; and

(2) Providing victims with counseling regarding HIV disease, HIV testing, and referral for appropriate health care and support services.

(g) A victim of an offense described under this section shall be notified of the provisions of this section by:

(1) An agency upon the filing with a court of a statement of charges or indictment or information or petition alleging delinquency for the alleged commission of an offense;

(2) A rape crisis program established under [Article 88A, § 130] § 793 OF THIS SUBTITLE [of the Code] when the program is contacted by the victim; or

(3) An intake officer who receives a complaint for the alleged commission of an offense under § 3-810 of the Courts [and Judicial Proceedings] Article.

(h) (1) A victim who receives notification under subsection (e) of this section may disclose the results of the test to any other individual to protect the health and safety of:

(i) The victim;

(ii) The victim's sexual partner; or

(iii) The victim's family.

(2) Except as otherwise provided in this section, any person who receives notification or disclosure of the results of the test under this subsection and knowingly discloses the results of that test in violation of this section is guilty of a misdemeanor and on conviction is subject to imprisonment of not more than 90 days or a fine of not more than \$5,000 or both.

(i) The results of any test conducted under this section are not admissible as evidence of either guilt or innocence in any criminal proceeding arising out of the alleged offense.

(j) A State employee or agent or employee of the Department who acts in compliance with the provisions of this section shall have the immunity from liability described under § 5-399.2 of the Courts [and Judicial Proceedings] Article for actions taken pursuant to this section.

DRAFTER'S NOTE: This section formerly was Art. 27, § 765 of the Code.

The only changes are in style.