

Section 18-336(b) and 18-338.1(b)
Annotated Code of Maryland
(2000 Replacement Volume and 2002 Supplement)

BY repealing and reenacting, without amendments,

Article - Health - General

Section 18-338.1(c)

Annotated Code of Maryland

(2000 Replacement Volume and 2002 Supplement)

BY adding to

Article - Health - General

Section 18-338.3

Annotated Code of Maryland

(2000 Replacement Volume and 2002 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.

(b) Except as provided in Title 11, Subtitle 1, Part II of the Criminal Procedure Article OR § 18-338.3 OF THIS SUBTITLE, before obtaining a fluid or tissue sample from the body of an individual for the purpose of testing the 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;

(ii) Information about a physician's duty to warn; and

(iii) Assistance in accessing health care available to an individual who tests positive for the HIV infection.

18-338.1.

(b) [A] EXCEPT AS PROVIDED IN § 18-338.3 OF THIS SUBTITLE, A physician, nurse, or designee of a health care facility shall, at the request of an exposed health care provider, seek the informed consent of a patient to test a blood sample of the patient for the presence of HIV when: