

(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.

SECTION 2. AND BE IT FURTHER ENACTED, That regulations adopted by the Department of Health and Mental Hygiene as required under Section 1 of this Act shall conform to federal government requirements under 42 U.S.C. Section 3756(F).

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1992.

Approved May 5, 1992.

CHAPTER 91

(House Bill 505)

AN ACT concerning

Criminal Offenders – HIV Testing – Victim Notification

FOR the purpose of requiring individuals convicted of, charged with, or granted probation before judgment for committing certain offenses, upon the request of a victim, to furnish a blood sample to be tested for the presence of the human immunodeficiency virus (HIV) ~~and any other identified causative agent of the acquired immune deficiency syndrome (AIDS)~~ under certain circumstances; requiring a court to conduct a certain hearing prior to issuing an order for testing under certain circumstances; requiring a court to issue an order for testing when an individual is convicted of or granted probation before judgment for committing an offense; requiring a local health officer to collect a blood sample, conduct testing of the blood sample in a certain manner, and provide certain counseling under certain circumstances; requiring a local health officer to provide a certain notification to certain individuals; requiring the Department of Health and Mental Hygiene to adopt certain regulations in conformance with certain federal requirements; requiring certain persons to notify a victim of the provisions of this Act under certain circumstances; allowing a victim to disclose certain information to certain other individuals for a certain purpose; providing a certain penalty for the disclosure of certain test results by certain persons under certain circumstances; providing a certain exception to certain informed consent provisions of law;