

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 HEALTH OFFICER, 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.

Article - Health - General

18-336.

(b) [Before] EXCEPT AS PROVIDED IN ARTICLE 27, § 765 OF THE CODE, BEFORE obtaining a blood sample from an individual for the purpose of testing the blood 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.

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.