



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fifth Legislature
Second Regular Session

House: HHS DP 8-1-0-0

HB 2433: HIV testing; consent; repeal
Sponsor: Representative Shah, LD 24
House Engrossed

Overview

Repeals statute relating to HIV-related testing restrictions and exceptions.

History

[A.R.S. § 36-633](#) provides that before an HIV-related test is ordered by a health care provider, the health provider must ensure that oral or written informed consent is provided to the subject of the test who has capacity to consent or, if the subject lacks capacity to consent to a person authorized by law to consent to health care for that person. *Informed consent* means information that explains HIV infection and the meaning of a positive test result and that indicates that the patient may ask questions and decline testing.

Additionally, the statute contains provisions that do not apply to the performance of an HIV-related test, including: 1) be a health care provider or health facility in relation to the procuring, processing, distributing or use of a human body part for use in medical research, therapy or transplantation; 2) for testing requested by a health care provider or first responder who has had a significant exposure risk to the patient's blood or bodily fluid; 3) for the purpose of research if the testing is performed in a manner by which the identity of the test subject is not known and may not be retrieved by the researcher; 4) on a deceased person, if the test is conducted in order to determine the cause of death or for epidemiologic or public health purposes; 5) in the course of providing emergency medical treatment to a patient who lacks capacity and for whom no person to consent can be identified in a timely manner; 6) on a patient who lacks capacity to consent and for whom no person authorized to consent to health care for that person can be timely identified if the HIV-related testing is directly related to and necessary for the diagnosis and treatment of the person's medical condition; and 7) that is performed on an anonymous basis at a public health agency.

A medical examiner or alternate medical examiner may provide a blood sample from a deceased person for the purpose of HIV-related testing. They are not required to perform an HIV-related test for an occupational significant exposure risk.

Provisions

1. Repeals [A.R.S. § 36-633](#), relating to HIV-related testing restrictions and exceptions. (Sec. 1)
2. Removes [A.R.S. § 36-633](#) from the list of statutes that do not apply to persons or entities subject to regulation under [Title 20 \(Insurance\)](#). (Sec. 2)
3. Makes technical changes. (Sec. 2)

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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