

SENATE No. 821

The Commonwealth of Massachusetts

PRESENTED BY:

Patricia D. Jehlen

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act Relative to HIV/AIDS Education and Prevention in the Commonwealth .

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Patricia D. Jehlen	Second Middlesex
Gloria L. Fox	7th Suffolk
Anthony D. Galluccio	Middlesex, Suffolk and Essex
John A. Hart, Jr.	First Suffolk
James E. Timilty	Bristol and Norfolk
Timothy J. Toomey, Jr.	26th Middlesex
Susan C. Fargo	Third Middlesex
Byron Rushing	9th Suffolk

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO HIV/AIDS EDUCATION AND PREVENTION IN THE COMMONWEALTH .

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 70F of Chapter 111 of the General Laws is hereby amended by striking out
2 the first paragraph thereof and inserting in place the following two paragraphs:

3 Prior to ordering a test that identifies the presence of the HTLV-III antibody or antigen, every
4 health care facility, as defined in section seventy E, physician, or health care provider shall inform the
5 patient that the test is planned, provide information about the test, inform the patient that there are
6 numerous treatment options available for a patient who tests positive for HIV and that a person who tests
7 negative for HIV should continue to be routinely tested, and advise the patient that he or she has the right
8 to decline the test. If a person declines to be tested for HIV, the physician or health care provider shall
9 document that decision in the person's medical record. No person shall be denied appropriate medical
10 care because he or she decides not to be tested for HIV.

11 No health care facility, as defined in section seventy E, and no physician or health care provider
12 shall (1) disclose the results of such test to any person other than the subject thereof without first
13 obtaining the subject's written informed consent; or (2) identify the subject of such test to any person
14 without first obtaining the subject's written informed consent.