

HOUSE BILL 52

By Gilmore

AN ACT to amend Tennessee Code Annotated, Title 41,
Chapter 21, relative to testing for HIV.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 41, Chapter 21, Part 2, is amended by adding the following as a new, appropriately designated section:

Section 41-21-244.

(a) In addition to the HIV testing required pursuant to § 41-21-107, upon an inmate's reception, each inmate, regardless of age, housed at a department of correction institution shall undergo HIV testing, with or without the inmate's consent, prior to the inmate's release either on parole or probation pursuant to § 40-35-501(a) or § 40-20-206, or when discharged without further supervision. Each inmate shall also undergo a confirmatory test and be referred to appropriate counseling when necessary.

(b) The result of any HIV test ordered under this section is not a public record and shall be available only to:

- (1) The person tested;
- (2) The attending physician of the person tested;
- (3) The department of health; and
- (4) The department of correction.

(c) For purposes of this section, "HIV test" means a test of an individual for the presence of human immunodeficiency virus (HIV), or for antibodies or antigens that result from HIV infection, or for any other substance specifically indicating infection with HIV. The department of correction shall promulgate rules providing for the testing of

inmates for HIV, and those rules shall be consistent with the rules and procedures of the department of health.

(d) The department may recover the expenses incurred by the state for the cost of the HIV testing under this section from the inmate's trust fund account.

SECTION 2. This act shall take effect July 1, 2009, the public welfare requiring it.