SENATE . . . . . No. 2158

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

An Act to increase routine screening for HIV .

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

Chapter 111 of the General Laws is hereby amended by striking out section 70F, as appearing in the 2010 Official Edition, and inserting in place thereof the following section:-

Section 70F. A facility, as defined in section 70E, physician or health care provider shall not (1) test any person for the presence of the HTLV-III antibody or antigen without first obtaining that person's verbal informed consent; (2) disclose the results of such test to any person other than the subject of the test without first obtaining the subject's written informed consent; or (3) identify the subject of such tests to any person without first obtaining the subject's written informed consent. A written consent form shall state the purpose for which the information is being requested and shall be distinguished from written consent for the release of any other medical information.

No employer shall require HTLV-III antibody or antigen tests as a condition for employment.

Whoever violates this section shall be considered to have violated section 2 of chapter 93A.

For the purpose of this section "written informed consent" shall mean a written consent form for each requested release of the results of an individual's HTLV-III antibody or antigen test or for the release of medical records containing such information; and "HTLV-III antibody or antigen test" shall mean a licensed screening antibody test for the human T-cell lymphotropic virus type III.

It shall not be a violation of this section for any physician, health care provider, health care institution or laboratory to report information to the department of public health under chapter 111 or chapter 111D and regulations promulgated thereunder. No physician, health care

23 provider, health care institution or laboratory required to report shall be liable in any civil or
24 criminal action by reason of any such report.