

SENATE No. 821

The Commonwealth of Massachusetts

In the Year Two Thousand 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
2 striking out 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,
4 every health care facility, as defined in section seventy E, physician, or health care provider shall
5 inform the patient that the test is planned, provide information about the test, inform the patient
6 that there are numerous treatment options available for a patient who tests positive for HIV and
7 that a person who tests negative for HIV should continue to be routinely tested, and advise the
8 patient that he or she has the right to decline the test. If a person declines to be tested for HIV,
9 the physician or health care provider shall document that decision in the person’s medical record.
10 No person shall be denied appropriate medical care because he or she decides not to be tested for
11 HIV.

12 No health care facility, as defined in section seventy E, and no physician or health care
13 provider shall (1) disclose the results of such test to any person other than the subject thereof

- 14 without first obtaining the subject's written informed consent; or (2) identify the subject of such
- 15 test to any person without first obtaining the subject's written informed consent.