SENATE DOCKET, NO. 1589 FILED ON: 1/14/2009

SENATE . . . . . No. 883

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act Relative to Encouraging HIV Testing.

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

SECTION 1. Section 70F of Chapter 111 as so appearing, is hereby amended by striking said section and inserting in place thereof the following:-

"No health care facility, as defined in section seventy E, and no physician or health care provider shall (1) test any person for the human immunodeficiency virus (HIV) without first obtaining his or her verbal consent; (2) disclose the results of such a test to any person other than the subject thereof without first obtaining the subject's written consent; or (3) identify the subject of such tests to any person without first obtaining the subject's written consent.

No employer shall require HIV testing as a condition for employment.

Whoever violates the provisions of this section shall be deemed to have violated section two of chapter ninety-three A.

SECTION 2. Notwithstanding any general or special law to the contrary, the commissioner of the department of public health shall commission a study on current best practices on reaching populations of the commonwealth who are at an increased risk of

contracting the HIV virus and are currently not accessing testing procedures for said virus. Said study shall include, but not be limited to, identifying current best practices and recommendations for improving access for at-risk populations. The commissioner shall submit his findings to the joint committee on public health and the joint committee on health care financing not later than 6 months following the passage of this act.