SENATE DOCKET, NO. 1522 FILED ON: 1/17/2019

SENATE . . . . . No. 1265

The Commonwealth of Massachusetts

PRESENTED BY:

Cindy F. Friedman

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 adoption of the accompanying bill:

An Act relative to expanding access to preventative HIV screening and testing for minors.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
Cindy F. Friedman	*Fourth Middlesex*	
Julian Cyr	*Cape and Islands*	*1/18/2019*
Sean Garballey	*23rd Middlesex*	*1/28/2019*
Kenneth I. Gordon	*21st Middlesex*	*1/29/2019*
Marjorie C. Decker	*25th Middlesex*	*1/29/2019*
Michael O. Moore	*Second Worcester*	*2/1/2019*
Kay Khan	*11th Middlesex*	*2/1/2019*
Liz Miranda	*5th Suffolk*	*2/1/2019*
David M. Rogers	*24th Middlesex*	*2/1/2019*

SENATE DOCKET, NO. 1522 FILED ON: 1/17/2019

SENATE . . . . . No. 1265

By Ms. Friedman, a petition (accompanied by bill, Senate, No. 1265) of Cindy F. Friedman, Julian Cyr, Sean Garballey, Kenneth I. Gordon and other members of the General Court for legislation to expand access to preventative HIV screening and testing for minors. Public Health.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

An Act relative to expanding access to preventative HIV screening and testing for minors.

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 6 of chapter 111 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by inserting after the word "health", in line 5, the following words:- ; provided that, the department shall define HIV and AIDS as diseases dangerous to the public health.

SECTION 2. Said section 6 of said chapter 111, as so appearing, is hereby further amended by inserting after the word "diseases", in line 8, the following words:- , including, but not limited to, HIV and AIDS,.

SECTION 3. Said chapter 111, as so appearing, is hereby further amended by striking out section 117 and inserting in place thereof the following section:-

Section 117. For the purpose of providing prevention or treatment for persons suffering from venereal diseases, as defined under section 6, and who are unable to pay for private medical care, the department shall, or with the cooperation of local boards of health, hospitals,

dispensaries or other agencies may, establish and maintain clinics in such parts of the commonwealth as it may deem most advantageous to the public health, and may otherwise provide prevention or treatment for such diseases subject to such rules and regulations as the department may from time to time establish. Cities and towns, separately or jointly, through their boards of health or municipal hospitals, may establish and maintain such clinics. For the purposes of this section, providing prevention or treatment shall include providing transportation or the reasonable cost of such transportation to and from the place where treatment is given whenever the patient is not able to pay for such transportation. For the purposes of this section, providing prevention shall include preventative testing and screening for minors or the reasonable cost of such preventative testing and screening for minors and any prescription medications for minors designed to prevent contracting or transmitting venereal diseases, including but not limited to pre-exposure prophylaxis, or the reasonable cost of such prescription medications for minors.

For the purposes of this section, physical examination, prevention and treatment provided by a health care provider, as defined in section 1, upon the person of a minor who voluntarily appears therefor, shall not constitute an assault or an assault and battery upon said person.

SECTION 4. Said chapter 111 is hereby further amended by inserting after section 117 the following section:-

Section 117A. The department shall cover the reasonable costs and expenses for minors associated with providing treatment and preventative testing and screening for venereal diseases, as defined in section 6. Reasonable costs and expenses shall include expenditures relating to prescription medications for venereal disease treatment and prevention, including but not limited

to pre-exposure prophylaxis, and any requisite testing and screening for these medications when the costs and expenses for such testing and screening are not covered by a minor's health insurance. For the purposes of this section, providing prevention or treatment shall include providing transportation or the reasonable cost of such transportation to and from the place where treatment or preventative testing is received whenever the patient is not able to pay for such transportation.

SECTION 5. Section 12F of chapter 112 of the General Laws, as appearing in 2016 Official Edition, is hereby amended by striking out, in line 1, the words "physician, dentist" and inserting in place thereof the following words:- health care provider, as defined in section 1 of chapter 111,.

SECTION 6. Said section 12F of said chapter 112, as so appearing, is hereby amended by inserting after the word "patient", in line 6, the following words:- , or for the prevention or treatment of any disease as defined as dangerous to the public health pursuant to section 6 of chapter 111.

SECTION 7. Said section 12F of said chapter 112, as so appearing, is hereby further amended by inserting after the words "to be", in line 14, the following words:- at risk of exposure to,.

SECTION 8. Said section 12F of said chapter 112, as so appearing, is hereby further amended by inserting after the word "eleven;", in line 16, the following words:- or (vii) the minor is seeking preventive testing or screening for any disease defined as dangerous to the public health pursuant to section 6 of chapter 111.

SECTION 9. Said section 12F of said chapter 112, as so appearing, is hereby further amended by inserting after the word “diagnosis”, in line 18, the following word:- , prevention.

SECTION 10. Said section 12F of said chapter 112, as so appearing, is hereby further amended by striking out, in line 28, the words “physician, dentist” and inserting in place thereof the following words:- health care provider, as defined in section 1 of chapter 111,.