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By: **Chairman, Economic Matters Committee (Departmental - Health and Mental Hygiene)**

Introduced and read first time: February 13, 1998

Assigned to: Economic Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Insurers - Disclosure Requirements - HIV Testing**

3 FOR the purpose of requiring an insurer or a designee of an insurer who obtains a  
4 fluid or tissue sample from an individual to test for evidence of HIV infection to  
5 obtain the individual's informed consent in accordance with certain  
6 requirements and to provide that individual with certain pretest counseling;  
7 requiring an insurer to notify an individual about certain information on request  
8 and in accordance with certain requirements; defining a certain term; and  
9 generally relating to insurers and disclosure of certain information related to  
10 HIV testing.

11 BY adding to

12 Article - Insurance  
13 Section 4-405  
14 Annotated Code of Maryland  
15 (1997 Volume)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article - Insurance**

19 4-405.

20 (A) THIS SECTION APPLIES TO LIFE INSURANCE OR HEALTH INSURANCE.

21 (B) IN THIS SECTION, "DESIGNEE OF AN INSURER" MEANS AN INDIVIDUAL  
22 WHO OBTAINS A FLUID OR TISSUE SAMPLE FROM THE BODY OF AN INDIVIDUAL FOR  
23 THE PURPOSE OF TESTING THE FLUID OR TISSUE FOR THE PRESENCE OF HIV  
24 INFECTION AND IS EMPLOYED BY AN INSURER OR A CONTRACTOR OF AN INSURER.

25 (C) BEFORE OBTAINING A FLUID OR TISSUE SAMPLE FROM THE BODY OF AN  
26 INDIVIDUAL FOR THE PURPOSE OF TESTING THE FLUID OR TISSUE FOR THE  
27 PRESENCE OF HIV INFECTION, AN INSURER OR A DESIGNEE OF AN INSURER SHALL:

1           (1)     OBTAIN WRITTEN INFORMED CONSENT FROM THE INDIVIDUAL ON A  
2 UNIFORM HIV INFORMED CONSENT FORM DEVELOPED BY THE DEPARTMENT OF  
3 HEALTH AND MENTAL HYGIENE; AND

4           (2)     PROVIDE THE INDIVIDUAL WITH PRETEST COUNSELING, INCLUDING  
5 EDUCATION ABOUT HIV INFECTION AND METHODS FOR PREVENTING  
6 TRANSMISSION.

7     (D)     ON REQUEST OF AN APPLICANT, AN INSURER OR DESIGNEE OF AN  
8 INSURER SHALL DISCLOSE THE RESULTS OF A TEST FOR THE PRESENCE OF HIV  
9 INFECTION TO A PERSON WHO IS:

10          (1)     LICENSED, CERTIFIED, OR OTHERWISE AUTHORIZED TO PROVIDE  
11 HEALTH CARE IN THE ORDINARY COURSE OF BUSINESS OR PRACTICE OF A  
12 PROFESSION; AND

13          (2)     CHOSEN BY THE APPLICANT.

14     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
15 effect October 1, 1998.