

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL NO. 321

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 13, strike “and” and substitute “; requiring certain first responders or public safety officers to be tested for a certain disease within a certain number of hours; providing for the disclosure or nondisclosure of certain information under certain circumstances; requiring a certain medical director to arrange or”; and in line 16, after “Act;” insert “requiring individuals in a hospital to make a certain report to the Department of Health and Mental Hygiene concerning the conducting of certain tests by the hospital; providing a certain criminal and civil penalty for violations of certain provisions of this Act; requiring the Department to submit a certain report to the Governor and the General Assembly on or before a certain date each year;”.

AMENDMENT NO. 2

On page 4, after line 29, insert:

“(F) (1) A FIRST RESPONDER OR PUBLIC SAFETY WORKER SHALL BE TESTED, TO THE EXTENT PRACTICABLE, WITHIN 24 HOURS OF A REPORTED OCCUPATIONAL EXPOSURE.

(2) IF THE RESULT OF THE HIV TEST CONDUCTED UNDER PARAGRAPH (1) OF THIS SUBSECTION IS:

(I) HIV-NEGATIVE, THE HIV TEST RESULTS FROM THE PATIENT MAY BE DISCLOSED TO THE EXPOSED FIRST RESPONDER OR PUBLIC SAFETY WORKER; OR

(II) HIV-POSITIVE, THE HIV TEST RESULTS FROM THE PATIENT MAY NOT BE DISCLOSED TO THE EXPOSED FIRST RESPONDER OR PUBLIC SAFETY WORKER.”;

(Over)

and in lines 30 and 35, strike “(f)” and “(g)”, respectively, and substitute “(G)” and “(H)”, respectively.

AMENDMENT NO. 3

On page 5, in lines 16, 18, and 20, strike “(h)”, “(i)”, and “(j)”, respectively, and substitute “(I)”, “(J)”, and “(K)”, respectively; and after line 24, insert:

“(L) A DESIGNATED HOSPITAL INFECTIOUS DISEASE/COMMUNICABLE DISEASE OFFICER SHALL REPORT TO THE DEPARTMENT, ON A FORM APPROVED BY THE DEPARTMENT, EACH TIME THE HOSPITAL CONDUCTS AN HIV TEST ON:

(1) A PATIENT WHO WAS UNABLE TO GIVE INFORMED CONSENT TO CONDUCT THE HIV TEST IN ACCORDANCE WITH THIS SECTION;

(2) A PATIENT WHOSE SURROGATE DECISION MAKER WAS UNABLE TO GIVE INFORMED CONSENT TO CONDUCT THE HIV TEST ON THE PATIENT IN ACCORDANCE WITH THIS SECTION; AND

(3) A PATIENT WHO GAVE THE PATIENT’S INFORMED CONSENT TO CONDUCT THE HIV TEST ON THE PATIENT IN ACCORDANCE WITH THIS SECTION.

(M) (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A PERSON THAT RECEIVES NOTIFICATION OF THE RESULTS OF AN HIV TEST CONDUCTED UNDER THIS SECTION MAY NOT KNOWINGLY DISCLOSE THE RESULTS OF THE TEST.

(2) A PERSON THAT VIOLATES THE PROVISIONS OF THIS SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 90 DAYS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

(N) ON OR BEFORE OCTOBER 1 OF EACH YEAR, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY SUMMARIZING BY COUNTY THE NUMBER OF PATIENTS:

(1) WHO WERE UNABLE TO GIVE INFORMED CONSENT TO A HOSPITAL TO CONDUCT AN HIV TEST; AND

(2) WHOSE SURROGATE DECISION MAKERS WERE UNABLE TO GIVE INFORMED CONSENT TO A HOSPITAL TO CONDUCT AN HIV TEST ON THE PATIENTS.”.