

ACT 376

H.B. NO. 836

A Bill for an Act Relating to HIV Counseling.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 325-16, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) No health care provider, blood bank, plasma center, or any other public or private agency, institution, or individual may subject a person’s body fluids or tissue to a test for the presence of human immunodeficiency virus (HIV) infection unless the subject of the test first provides informed written consent to the testing. Any person in this State whose body fluids or tissue are subject to a test for the presence of HIV infection shall be afforded the opportunity to receive HIV counseling by the party ordering or requesting that the test be performed and shall be afforded the opportunity to obtain the test results. The counseling provided shall be consistent with guidelines established by the department. The opportunity to receive counseling shall be afforded both prior to obtaining a sample for HIV testing and upon disclosure of the test results, regardless of the serostatus of the individual tested, except that testing conducted pursuant to subsections (b)(1) and (2) shall be exempted from the counseling requirements of this subsection.”

SECTION 2. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved June 26, 1989.)