



Filed: 2/8/2006

09400HB4396ham001

LRB094 16026 RLC 55509 a

1 AMENDMENT TO HOUSE BILL 4396

2 AMENDMENT NO. _____. Amend House Bill 4396 by replacing
3 the title with the following:

4 "AN ACT concerning public health."; and

5 by replacing everything after the enacting clause with the
6 following:

7 "Section 5. The AIDS Confidentiality Act is amended by
8 changing Section 7 as follows:

9 (410 ILCS 305/7) (from Ch. 111 1/2, par. 7307)

10 Sec. 7. (a) Notwithstanding the provisions of Sections 4, 5
11 and 6 of this Act, written informed consent is not required for
12 a health care provider or health facility to perform a test
13 when the health care provider or health facility procures,
14 processes, distributes or uses a human body part donated for a
15 purpose specified under the Illinois Anatomical Gift Act, or
16 semen provided prior to the effective date of this Act for the
17 purpose of artificial insemination, and such a test is
18 necessary to assure medical acceptability of such gift or semen
19 for the purposes intended.

20 (b) Written informed consent is not required for a health
21 care provider or health facility to perform a test when a
22 health care provider or employee of a health facility, or a
23 firefighter or an EMT-A, EMT-I or EMT-P, is involved in an

1 accidental direct skin or mucous membrane contact with the
2 blood or bodily fluids of an individual which is of a nature
3 that may transmit HIV, as determined by a physician in his
4 medical judgment. Should such test prove to be positive, the
5 patient and the health care provider, health facility employee,
6 firefighter, EMT-A, EMT-I, or EMT-P shall be provided
7 appropriate counseling consistent with this Act.

8 (c) Written informed consent is not required for a health
9 care provider or health facility to perform a test when a law
10 enforcement officer is involved in the line of duty in a direct
11 skin or mucous membrane contact with the blood or bodily fluids
12 of an individual which is of a nature that may transmit HIV, as
13 determined by a physician in his medical judgment. When the
14 physician determines that a law enforcement officer in the line
15 of duty has experienced a direct skin or mucous membrane
16 contact with the blood or bodily fluids of an individual which
17 is of a nature that may transmit HIV, the individual shall
18 submit, upon the request of that law enforcement officer, to a
19 test of blood or other bodily fluids to detect the presence of
20 HIV. Should such test prove to be positive, the patient shall
21 be provided appropriate counseling consistent with this Act.
22 For purposes of this subsection (c), "law enforcement officer"
23 means any person employed by the State, a county or a
24 municipality as a policeman, peace officer, auxiliary
25 policeman, correctional officer or in some like position
26 involving the enforcement of the law and protection of the
27 public interest at the risk of that person's life.

28 (Source: P.A. 93-794, eff. 7-22-04.)".