



Rep. LaShawn K. Ford

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09500HB0980ham002

LRB095 08268 RAS 35439 a

1 AMENDMENT TO HOUSE BILL 980

2 AMENDMENT NO. _____. Amend House Bill 980, AS AMENDED,
3 immediately above the enacting clause by inserting the
4 following:

5 "WHEREAS, The human immunodeficiency virus (HIV) and
6 acquired immunodeficiency syndrome (AIDS) are leading causes
7 of illness and death; and

8 WHEREAS, Effective September 2006, the U.S. Centers for
9 Disease Control and Prevention (CDC) revised its
10 recommendations for HIV testing due to the changing
11 demographics of the persons who have become infected since the
12 1980's, which include increasing proportions of persons less
13 than 20 years of age, women, members of racial and ethnic
14 minority populations, persons who reside outside metropolitan
15 areas, and heterosexual men and women who frequently are
16 unaware that they are at risk for HIV; and

1 WHEREAS, The CDC reports that prevention strategies that
2 incorporate universal HIV screening have been highly effective
3 and recommends screening for HIV infection for all persons 13
4 to 64 years of age; and

5 WHEREAS, It is declared to be the public policy of this
6 State that HIV screening be conducted in accordance with the
7 recommendations of the CDC and that the Department of Public
8 Health shall develop and administer compliant policies and
9 procedures for health care providers subject to State
10 regulation, as well as related public health information and
11 education programs; therefore"; and

12 by replacing everything after the enacting clause with the
13 following:

14 "Section 5. The Department of Public Health Powers and
15 Duties Law of the Civil Administrative Code of Illinois is
16 amended by adding Section 2310-317 as follows:

17 (20 ILCS 2310/2310-317 new)

18 Sec. 2310-317. HIV and AIDS testing. No later than January
19 1, 2008, the Department must implement the most current
20 recommendations of the United States Centers for Disease
21 Control and Prevention regarding HIV and AIDS testing.

1 Section 10. The AIDS Confidentiality Act is amended by
2 changing Sections 3 and 4 as follows:

3 (410 ILCS 305/3) (from Ch. 111 1/2, par. 7303)

4 Sec. 3. When used in this Act:

5 (a) "Department" means the Illinois Department of Public
6 Health.

7 (b) "AIDS" means acquired immunodeficiency syndrome.

8 (c) "HIV" means the Human Immunodeficiency Virus or any
9 other identified causative agent of AIDS.

10 (d) (Blank). ~~"Written informed consent" means an agreement~~
11 ~~in writing executed by the subject of a test or the subject's~~
12 ~~legally authorized representative without undue inducement or~~
13 ~~any element of force, fraud, deceit, duress or other form of~~
14 ~~constraint or coercion, which entails at least the following:~~

15 ~~(1) a fair explanation of the test, including its purpose,~~
16 ~~potential uses, limitations and the meaning of its results; and~~

17 ~~(2) a fair explanation of the procedures to be followed,~~
18 ~~including the voluntary nature of the test, the right to~~
19 ~~withdraw consent to the testing process at any time, the right~~
20 ~~to anonymity to the extent provided by law with respect to~~
21 ~~participation in the test and disclosure of test results, and~~
22 ~~the right to confidential treatment of information identifying~~
23 ~~the subject of the test and the results of the test, to the~~
24 ~~extent provided by law.~~

25 (e) "Health facility" means a hospital, nursing home, blood

1 bank, blood center, sperm bank, or other health care
2 institution, including any "health facility" as that term is
3 defined in the Illinois Finance Authority Act.

4 (f) "Health care provider" means any health care
5 professional, nurse, paramedic, psychologist or other person
6 providing medical, nursing, psychological, or other health
7 care services of any kind.

8 (f-5) "Health care professional" means (i) a licensed
9 physician, (ii) a physician assistant to whom the physician
10 assistant's supervising physician has delegated the provision
11 of AIDS and HIV-related health services, (iii) an advanced
12 practice registered nurse who has a written collaborative
13 agreement with a collaborating physician which authorizes the
14 provision of AIDS and HIV-related health services, (iv) a
15 licensed dentist, (v) a licensed podiatrist, or (vi) an
16 individual certified to provide HIV testing and counseling by a
17 state or local public health department.

18 (g) "Test" or "HIV test" means a test to determine the
19 presence of the antibody or antigen to HIV, or of HIV
20 infection.

21 (h) "Person" includes any natural person, partnership,
22 association, joint venture, trust, governmental entity, public
23 or private corporation, health facility or other legal entity.

24 (Source: P.A. 93-205, eff. 1-1-04; 93-482, eff. 8-8-03; revised
25 9-12-03.)

1 (410 ILCS 305/4) (from Ch. 111 1/2, par. 7304)

2 Sec. 4. No person may order an HIV test without first
3 notifying ~~receiving the written informed consent of~~ the subject
4 of the test or the subject's legally authorized representative
5 that the test shall be conducted. No person may be subject to
6 undue inducement or any element of force, fraud, deceit,
7 duress, or other form of constraint or coercion related to the
8 performance of an HIV test.

9 (Source: P.A. 85-1248.)

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.".