

ASSEMBLY, No. 120

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman JONES

1 AN ACT concerning the testing of patients for HIV infection and
2 hepatitis B and supplementing Title 26 of the Revised Statutes.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. A health care facility, health care provider or other person shall
8 not test a specimen of a patient for infection with the human
9 immunodeficiency virus (HIV) or hepatitis B without first obtaining
10 the informed consent of the patient or his legal guardian. For purposes
11 of this section, "informed consent" means a voluntary agreement
12 executed by the patient or his legal guardian which contains: an
13 explanation of the test, its purpose, potential uses, and the meaning of
14 its results; an explanation of the procedure to be followed, including
15 that the test is voluntary, that consent may be withdrawn and the
16 extent and limitations of the manner in which the results will be
17 confidential; an explanation of the nature of the manifestations of HIV
18 infection and hepatitis B and the relationship between the test result
19 and those diseases; and information about behaviors known to pose
20 risks for transmission of HIV infection and hepatitis B.

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22 2. a. Notwithstanding the provisions of section 1 of this act to the
23 contrary, the informed consent of a patient or his legal guardian is not
24 required before testing a specimen of the patient for HIV infection or
25 hepatitis B when the health of a health care worker or emergency
26 medical technician is threatened, during the course of that person's
27 duties, as a result of exposure to blood or body fluids of the patient in
28 a manner known to transmit HIV or hepatitis B.

29 b. The testing authorized pursuant to this section shall be provided
30 free of charge to the patient. If the patient tests positive for HIV
31 infection or hepatitis B, he shall be provided with appropriate
32 counseling and referral services.

33 c. The patient upon whom a test is performed pursuant to this
34 section shall be given notice promptly, personally and confidentially
35 that a specimen was taken and that the results of the test may be

1 obtained upon request. The results of the test shall not become a part
2 of the patient's hospital record and the Department of Health shall not
3 require identifying information regarding the person tested.

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5 3. This act shall take effect immediately.

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8 STATEMENT

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10 This bill requires the informed consent of a patient before testing
11 for HIV infection or hepatitis B except when the health of a health
12 care worker or emergency medical technician is threatened, during the
13 course of that person's duties, as a result of exposure to the blood or
14 body fluids of a patient in a manner known to transmit HIV infection
15 or hepatitis B. The bill requires that testing performed without
16 consent shall be done free of charge to the patient. Results of the test
17 shall be confidential and the Department of Health shall not require
18 identifying information of the patient. The bill also provides that if the
19 patient tests positive for HIV infection or hepatitis B, he shall be
20 provided with appropriate counseling and referral services.

21 It is the sponsor's intent to protect health care workers and
22 emergency medical technicians from the dangers of contracting HIV
23 infection or hepatitis B in the course of their duties.

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28 Permits HIV and hepatitis B testing of patients in certain
29 circumstances.