

ASSEMBLY, No. 350

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblywoman QUIGLEY and Assemblyman FELICE

1 AN ACT concerning HIV testing by semen banks and supplementing  
2 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. As used in this act:

8 "HIV" means the human immunodeficiency virus which has been  
9 identified as the probable causative agent of acquired immune  
10 deficiency syndrome, or AIDS.

11 "HIV test" means a laboratory test designed to detect the presence  
12 of HIV, its related antigens, or antibodies to HIV.

13 "Semen bank" means a commercial or noncommercial activity  
14 involving the handling of human semen which participates in the  
15 collection, processing, storage or distribution of semen.

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17 2. a. A semen bank shall perform an HIV test on a potential donor  
18 prior to that person donating semen and shall freeze all donated semen  
19 for a waiting period of at least six months, in accordance with  
20 standards adopted by the United States Centers for Disease Control  
21 and Prevention.

22 b. A semen bank shall perform the HIV test only after the donor  
23 has provided written informed consent according to standards adopted  
24 by the commissioner. A donor who refuses to provide written  
25 informed consent to an HIV test or tests positive for HIV shall not be  
26 permitted to donate semen.

27 c. The cost of the HIV test shall be borne by the recipient of the  
28 donation.

29 d. The Commissioner of Health shall establish procedures for  
30 notification by a semen bank to donors of screening results and  
31 referrals to appropriate counseling and health care services as  
32 necessary.

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34 3. A semen bank which violates any provision of this act is guilty  
35 of a disorderly persons offense and is liable to a penalty of not more

1 than \$1,000 for each offense.

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3 4. The Commissioner of Health, pursuant to the "Administrative  
4 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt  
5 rules and regulations to effectuate the purposes of this act.

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7 5. This act shall take effect immediately.

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10 STATEMENT

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12 This bill requires that semen banks test potential donors for the  
13 human immunodeficiency virus, or HIV, the probable causative agent  
14 of AIDS, and freeze all donated semen for a waiting period of at least  
15 six months, according to standards adopted by the U.S. Centers for  
16 Disease Control and Prevention.

17 The bill also provides that the HIV test shall be performed only  
18 after the donor has provided written informed consent according to  
19 standards adopted by the Commissioner of Health, and that a donor  
20 who refuses to provide written informed consent to an HIV test or  
21 tests positive for HIV shall not be permitted to donate semen. The bill  
22 also stipulates that the cost of the HIV test is to be borne by the  
23 recipient of the donation. Finally, the bill requires that any semen bank  
24 that violates the provisions of this act be found guilty of a disorderly  
25 persons offense and be liable to a penalty of not more than \$1,000 for  
26 each offense.

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31 Requires semen banks test donors for HIV.