

P.L. 1997, CHAPTER 246, *approved September 9, 1997*
Assembly, No. 350 (*First Reprint*)

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 ¹[commissioner]Commissioner of Health¹. A donor who
25 refuses to provide written informed consent to an HIV test or tests
26 positive for HIV shall not be 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

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AHL committee amendments adopted February 5, 1996.

1 referrals to appropriate counseling and health care services as
2 necessary.

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4 3. A semen bank which violates any provision of this act is guilty
5 of a disorderly persons offense and is liable to a penalty of not more
6 than \$1,000 for each offense.

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

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12 5. This act shall take effect immediately.

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Requires semen banks test donors for HIV.