

F I N A L R E P O R T

AIDS TASK FORCE

January, 1988

The AIDS Task Force was established by the Legislative Council for a two-year period with the following charge: "Conduct a study of health care costs, testing and detection, and other issues relating to AIDS."

The following members were appointed:

Senator Al Sturgeon, Sioux City, Co-chairperson
Representative Ralph Rosenberg, Ames, Co-chairperson
Senator David Readinger, Des Moines
Representative Mike Van Camp, Davenport
Ms. Elizabeth Coss, R.N., Des Moines
Dr. Alex Ervanian, M.D., Des Moines
Ms. Jill June, Des Moines
Mr. Clark McDonald, Des Moines
Ms. Carla Mehus, Des Moines
Mr. John Schmacker, Des Moines
Ms. Carolyn Scholl, Des Moines

MEETING DATES

The Task Force was initially authorized three meeting days and held the meetings on October 23, 1987, November 10, 1987, and December 18, 1987. Upon request of the Task Force, the Legislative Council authorized a fourth meeting day and the meeting was held January 5, 1988.

PRESENTATIONS

The following presentations were made to the AIDS Task Force on October 23, 1987:

1. The members of the Task Force were invited to attend the AIDS in Iowa Conference sponsored by the Central Iowa AIDS Project at the University Park Holiday Inn, West Des Moines, Iowa. The members of the Task Force attended business, education, and professional tracks.

2. During the luncheon recess, Dr. William Hausler, Director of the State Hygienics Laboratory at the University of Iowa, addressed the Task Force.

AIDS Task Force
Final Report - January, 1988
Page 2

The following presentations were made to the Task Force on November 10, 1987:

1. Dr. Michael Osterholm, State Epidemiologist, Minnesota - Dr. Osterholm made a slide presentation to the Task Force which outlined the characteristics of the virus, its manifestations, transmission of the virus, prevention of the disease, testing procedures, and the efforts of Minnesota to prevent the spread of AIDS.

2. Mr. Mel Klenetsky, Lyndon LaRouche Organization, addressed the Task Force regarding mandatory testing for the AIDS virus.

3. Mr. William Hager, Commissioner, Division of Insurance, addressed the Task Force regarding the Division of Insurance actions and reactions to AIDS.

4. Mr. Jack Kelly and Dr. Laverne Wintermeyer, Iowa Department of Public Health, outlined the components of the AIDS Program at the state level.

5. Mr. Richard Navota, Director, Mississippi Valley Regional Blood Center, Davenport, addressed the Task Force regarding blood donation and blood testing.

The following presentations were made to the Task Force on December 18, 1987:

1. Dr. John Olds, M.D., Chairman, Iowa Medical Society Committee on AIDS, provided information concerning the American and Iowa Medical Societies' positions regarding provision of services and health care concerns relating to AIDS.

2. Dr. Richard Wenzel, University of Iowa Hospitals and Clinics, provided information regarding care of AIDS patients at the University of Iowa Hospitals and Clinics and education of medical specialists and personnel relative to AIDS.

3. Ms. Lynn Schadle, Chairperson, Nursing Practice Commission, Iowa Nurses Association, provided information regarding the concerns of health care providers including the disclosure of the condition of a person with an AIDS-related condition to a health care provider.

4. Ms. Jeanine Freeman, Staff Legal Counsel, Iowa Hospital Association, presented the results of a survey of Iowa hospitals regarding provision of care to persons with AIDS or a related condition.

5. Dr. Terrance Kurtz, Infectious Disease Specialist of the Iowa Osteopathic Medical Association, presented the Association's position regarding the care of AIDS patients and testing of the AIDS virus.

AIDS Task Force
Final Report - January, 1988
Page 3

6. Mr. John Martin, Iowa Department of Education, presented information regarding curriculum standards which include the teaching of communicable diseases.

7. Ms. Kate Colburn, Executive Director, Hospice of Central Iowa, presented information regarding the provision of Hospice care for AIDS patients.

8. Representatives of the Iowa Department of Public Health, including the Division of Substance Abuse, discussed the efforts of the Division of Substance Abuse and the comprehensive AIDS intervention and prevention plan developed by the Department.

9. Dr. Paul Loeffelholz, Medical Consultant, Iowa Department of Corrections, provided information concerning the efforts to prevent transmission of communicable disease, including AIDS, within the corrections system.

The following presentations were made to the AIDS Task Force on January 5, 1988:

1. Mr. Chuck Gass, President; Mr. Bruce Overton, former President; and Ms. Alda Stookey, Executive Director, Iowa Funeral Directors Association; presented concerns regarding a funeral service provider's protection relative to the handling of bodies of persons who had AIDS or an AIDS-related condition.

2. Mr. Richard Cleland, Consumer Protection Division, Office of the Attorney General, presented a video tape regarding AIDS quackery and presented recommendations for change in the current Code to provide protections against false advertising and fraudulent practices relative to AIDS.

3. Mr. Rich Jones of the Gay Coalition of Des Moines, and Mr. Steve Locher, Mr. Rich Graf, and Dr. Ralph Knudson of the Johnson County AIDS Coalition presented testimony regarding concerns of the two associations relative to AIDS.

RECOMMENDATIONS

The Task Force made the following recommendations based upon careful consideration of the testimony presented:

1. That the Iowa Department of Human Services initiate the process to obtain a waiver for provision of alternative service to persons with AIDS or an AIDS-related condition.

2. That the Legislative Service Bureau draft legislation which reflects the recommendations of the Office of the Attorney General regarding false advertising and fraudulent practices relative to AIDS drugs, devices, and cosmetics.

AIDS TAsk Force
Final Report - January, 1988
Page 4

The following bills were approved with recommendation by the Task Force for consideration by the General Assembly:

1. An Act relating to the certification of clinical laboratories and blood banks which perform human immunodeficiency virus screening or confirmatory testing.

2. An Act relating to the admission to or retention in a health care facility of a patient with positive test results for the human immunodeficiency virus, or a diagnosis of acquired immune deficiency syndrome or a related condition.

3. An Act requiring informed consent prior to the testing of a person for the presence of antibodies to the human immunodeficiency virus, and making penalties applicable.

4. An Act requiring accredited elementary and secondary schools to provide, within the health education curricula, instruction concerning acquired immune deficiency syndrome.

5. An Act making appropriations for the fiscal year beginning July 1, 1988, to the Iowa Department of Public Health for implementation of the comprehensive acquired immune deficiency syndrome prevention and intervention plan.

6. An Act relating to a comprehensive acquired immune deficiency syndrome (AIDS) prevention and intervention plan.

7. An Act relating to the civil rights of persons with a condition relating to acquired immune deficiency syndrome and including prohibition of testing, with respect to the employment of persons, for a condition related to acquired immune deficiency syndrome, and making remedial provisions of the civil rights law applicable.

8. An Act relating to confidentiality of human immunodeficiency virus-related matters and providing penalties.

9. An Act prohibiting the disclosure of acquired immune deficiency syndrome-related testing and test results by certain persons in the insurance industry, and providing penalties.

The following bill was approved without recommendation by the Task Force for consideration by the General Assembly:

An Act relating to the adoption of rules by the Iowa Department of Public Health concerning acquired immune deficiency syndrome-related training for certain care providers.

SENATE FILE _____
BY (PROPOSED AIDS TASK FORCE
BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act requiring the department of human services to initiate the
2 waiver process to provide alternative services for persons
3 with acquired immune deficiency syndrome or a related
4 condition.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24

S.F. _____ H.F. _____

1 Section 1. WAIVER PROCESS INITIATION.

2 The department of human services shall initiate the appli-
3 cation process in order to obtain a waiver from the health
4 care financing administration of the United States department
5 of health and human services for the provision of alternative
6 services to persons with acquired immune deficiency syndrome
7 or a related condition.

8 EXPLANATION

9 The bill requires the department of human services to
10 initiate the process to obtain a federal waiver for provision
11 of alternative services for persons with AIDS or an AIDS-
12 related condition.

13 COMPANION TO LSB 7861HI

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

SENATE FILE _____
BY (PROPOSED AIDS TASK
FORCE BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to drugs, devices, and cosmetics.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24

S.F. _____ H.F. _____

1 Section 1. Section 203A.14, subsection 2, Code 1987, is
2 amended to read as follows:

3 2. For the purpose of this chapter the advertisement of a
4 drug or device representing it to have any effect in
5 albuminuria, appendicitis, arteriosclerosis, arthritis, blood
6 poison, bone disease, Bright's disease, cancer, carbuncles,
7 cholecystitis, diabetes, diphtheria, dropsy, erysipelas,
8 gallstones, heart and vascular diseases, high blood pressure,
9 diseases of the immune system, mastoiditis, measles,
10 meningitis, mumps, nephritis, otitis-media, paralysis,
11 pneumonia, poliomyelitis (infantile paralysis), prostate gland
12 disorders, pyelitis, scarlet fever, sexual impotence, sinus
13 infection, smallpox, tuberculosis, tumors, typhoid, uremia,
14 venereal disease, shall also be deemed to be false, except
15 that no advertisement not in violation of subsection 1 shall
16 be deemed to be false under this subsection if it is
17 disseminated only to doctors, dentists or veterinarians, or
18 appears only in the scientific periodicals of these
19 professions, or is disseminated only for the purpose of
20 public-health education by persons not commercially
21 interested, directly or indirectly, in the sale of such drugs
22 or devices; provided, that whenever the board determines that
23 an advance in medical science has made any type of self-
24 medication safe as to any of the diseases named above, the
25 board shall by regulation authorize the advertisement of drugs
26 having curative or therapeutic effect for such disease,
27 subject to such conditions and restrictions as the board may
28 deem necessary in the interests of public health; provided,
29 that this subsection shall not be construed as indicating that
30 self-medication for disease other than those named herein is
31 safe or efficacious.

32 Sec. 2. Section 203A.20, Code 1987, is amended to read as
33 follows:

34 203A.20 EXCEPTION TO CHAPTER.

35 The provisions of this chapter shall not apply to any

1 person, firm or corporation ~~subject-to~~ which complies with the
2 federal Food, Drug and Cosmetics Act.

3 EXPLANATION

4 This bill includes arthritis and diseases of the immune
5 system in the listing of diseases and conditions for which,
6 prior to the advertisement of a drug or device representing it
7 to have any effect on these diseases or conditions, a
8 determination must be made that the drug or device is safe and
9 effective.

10 The bill also limits the exemption from the federal Food,
11 Drug, and Cosmetic Act of national companies selling products
12 in Iowa, to include only those companies which comply with the
13 federal law rather than those which are subject to the federal
14 law.

15 COMPANION TO LSB 7687HI

16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

HOUSE FILE _____
BY (PROPOSED AIDS TASK FORCE BILL)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the certification of clinical laboratories and
2 blood banks which perform human immunodeficiency virus
3 screening or confirmatory testing.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

S.F. _____ H.F. _____

1 Section 1. NEW SECTION. 135.101 CERTIFICATION OF AIDS
2 TESTING LABORATORIES.

3 1. For the purpose of this section unless the context
4 otherwise requires:

5 a. "Clinical laboratory" means a facility for the
6 microbiological, serological, chemical, hematological,
7 biophysical, cytological, or petrological examination of
8 materials derived from the human body for the purpose of
9 obtaining information for the diagnosis, prevention, or
10 treatment of disease or the assessment of a health condition.

11 b. "Blood bank" means a facility for the collection,
12 processing, or storage of human blood or blood derivatives, or
13 from which or by means of which human blood or blood
14 derivatives are distributed or otherwise made available.

15 c. "Laboratory" includes a clinical laboratory and a blood
16 bank.

17 2. Beginning July 1, 1988, human immunodeficiency virus
18 screening and confirmatory testing shall be performed only by
19 laboratories certified on an annual basis pursuant to this
20 section.

21 3. The director of public health shall adopt rules
22 establishing standards for the certification of laboratories
23 to perform human immunodeficiency virus screening and
24 confirmatory testing. The rules shall include but are not
25 limited to standards relating to proficiency testing, record
26 maintenance, adequate staffing, and confirmatory testing.

27 4. The Iowa department of public health shall provide
28 application forms for certification of a laboratory. The
29 director shall prescribe by rule the information to be
30 included on the application form.

31 5. A laboratory shall not be certified unless the
32 laboratory meets all standards established by the Iowa
33 department of public health.

34 6. The department of inspections and appeals may inquire
35 into the operation of laboratories and may conduct periodic

1 inspections of facilities, methods, procedures, materials,
2 staff, and equipment.

3 7. A laboratory's certification may be revoked, suspended,
4 or limited, if at any time the laboratory is found to be in
5 violation of any of the standards adopted by the department
6 pursuant to this section.

7 EXPLANATION

8 This bill requires certification of all clinical
9 laboratories and blood banks which provide human
10 immunodeficiency virus screening or confirmatory testing.

11 COMPANION TO LSB 7683SI

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

HOUSE FILE _____
BY (PROPOSED AIDS TASK FORCE BILL)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the admission to or retention in a health care
2 facility of a patient with positive test results for the human
3 immunodeficiency virus, or a diagnosis of acquired immune
4 deficiency syndrome or a related condition.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

S.F. _____ H.F. _____

1 Section 1. Section 135C.23, subsection 2, Code Supplement
2 1987, is amended by adding the following new unnumbered
3 paragraph:

4 NEW UNNUMBERED PARAGRAPH. This section does not prohibit
5 the admission or retention of a patient testing positive for
6 the human immunodeficiency virus, or a person diagnosed with
7 acquired immune deficiency syndrome or a related condition,
8 solely on the basis of the patient's test results or
9 diagnosis. A facility which admits or retains a patient
10 described in this paragraph shall establish and implement
11 written policies regarding precautionary procedures for
12 handling blood and body fluids.

13 EXPLANATION

14 This bill provides that a person testing positive for the
15 human immunodeficiency virus or diagnosed with acquired immune
16 deficiency syndrome or a related condition is not prohibited
17 from admittance to or retention in a health care facility
18 solely upon the basis of the test results or diagnosis. The
19 bill also requires a health care facility which admits or
20 retains such a person to establish and implement blood and
21 body fluid precautionary procedures.

22 COMPANION TO LSB 7862SI

23

24

25

26

27

28

29

30

31

32

33

34

35

HOUSE FILE _____
BY (PROPOSED AIDS TASK
FORCE BILL)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act requiring informed consent prior to the testing of a
2 person for the presence of antibodies to the human
3 immunodeficiency virus, and making penalties applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24

S.F. _____ H.F. _____

1 Section 1. NEW SECTION. 139.36 INFORMED CONSENT -- HUMAN
2 IMMUNODEFICIENCY VIRUS ANTIBODY TEST.

3 1. For the purposes of this section, "informed consent"
4 means a voluntary authorization by the person to be tested,
5 without any form of coercion, after the following information
6 has been communicated to the person:

7 a. An explanation of the test, including all of the
8 following:

9 (1) The nature of the test.

10 (2) The purpose for which the test results may be used.

11 (3) The limitations of the test.

12 (4) The meaning of the test results.

13 (5) The foreseeable risks and benefits resulting from the
14 test.

15 b. An explanation of the procedures to be followed,
16 including all of the following:

17 (1) The voluntary nature of the test.

18 (2) The right to withdraw consent to the testing at any
19 time.

20 (3) The right to anonymity with respect to participation
21 in the testing and disclosure of the test results.

22 (4) The right to the confidential treatment of any
23 information which identifies the person tested and the results
24 of the test.

25 (5) The persons to whom the results of the test may be
26 disclosed.

27 2. A person shall not perform a test for the presence of
28 antibodies to the human immunodeficiency virus without first
29 obtaining the written informed consent of the person to be
30 tested. However, written informed consent shall not be
31 required at anonymous testing sites, but the explanations of
32 the test and procedures required by subsection 1 shall be
33 given to the person being tested.

34 EXPLANATION

35 This bill defines "informed consent" and requires the

1 obtaining of written informed consent prior to the testing of
2 a person for the antibodies to the human immunodeficiency
3 virus. Informed consent in writing is not required at
4 anonymous testing sites, but an explanation of the test and
5 its procedures must be given to the subject of the test. A
6 violation of the bill constitutes a simple misdemeanor under
7 chapter 139.

8 COMPANION TO LSB 7748SI

- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35

HOUSE FILE _____
BY (PROPOSED AIDS TASK
FORCE BILL)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act requiring accredited elementary and secondary schools to
2 provide, within the health education curricula, instruction
3 concerning acquired immune deficiency syndrome.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24

S.F. _____ H.F. _____

1 Section 1. Section 256.11, subsections 3 and 4, Code
2 Supplement 1987, are amended to read as follows:

3 3. The following areas shall be taught in the grades one
4 through six: English-language arts, including reading,
5 handwriting, spelling, oral and written English, and
6 literature; social studies, including geography, history of
7 the United States and Iowa, cultures of other peoples and
8 nations, and American citizenship, including the study of
9 national, state, and local government in the United States;
10 mathematics; science, including environmental awareness and
11 conservation of natural resources; health and physical
12 education, including the effects of alcohol, tobacco, drugs,
13 and poisons on the human body; the characteristics of
14 communicable diseases, including acquired immune deficiency
15 syndrome; traffic safety, including pedestrian and bicycle
16 safety procedures; music; and art.

17 4. The following shall be taught in grades seven and eight
18 as a minimum program: science, including environmental
19 awareness and conservation of natural resources; mathematics;
20 social studies; cultures of other peoples and nations, and
21 American citizenship; English-language arts which shall
22 include reading, spelling, grammar, oral and written
23 composition, and may include other communication subjects;
24 health and physical education, including the effects of
25 alcohol, tobacco, drugs, and poisons on the human body, the
26 characteristics of communicable diseases and human sexuality,
27 including venereal sexually transmitted diseases and acquired
28 immune deficiency syndrome, and current crucial health issues;
29 music; and art.

30 Sec. 2. Section 256.11, subsection 6, paragraph j, Code
31 Supplement 1987, is amended to read as follows:

32 j. Health education, including an awareness of physical
33 and mental health needs, the effects of alcohol, tobacco,
34 drugs, and poisons on the human body, the characteristics of
35 communicable diseases and human sexuality, including ~~venereal~~

1 sexually transmitted diseases and acquired immune deficiency
2 syndrome, and current crucial health issues.

3 EXPLANATION

4 This bill requires that accredited elementary and secondary
5 schools provide, within the health education curricula,
6 instruction to each student relating to the subject of
7 acquired immune deficiency syndrome (AIDS).

8 COMPANION TO LSB 7749SI

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

SENATE FILE _____
BY (PROPOSED HEALTH AND
HUMAN RIGHTS SUBCOMMITTEE
BILL BY THE AIDS TASK
FORCE)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act making appropriations for the fiscal year beginning July
2 1, 1988, to the Iowa department of health for implementation
3 of the comprehensive acquired immune deficiency syndrome
4 prevention and intervention plan.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

S.F. _____ H.F. _____

1 Section 1. APPROPRIATIONS -- COMPREHENSIVE ACQUIRED IMMUNE
2 DEFICIENCY SYNDROME (AIDS) PREVENTION AND INTERVENTION PLAN.

3 There is appropriated from the general fund of the state to
4 the Iowa department of public health for the fiscal year
5 beginning July 1, 1988, and ending June 30, 1989, the follow-
6 ing amounts, or so much thereof as is necessary, to be used
7 for the purposes designated:

8 1. For the implementation of the public and professional
9 education component of the plan, three hundred eighty-eight
10 thousand (388,000) dollars, to be allocated in the following
11 manner: for eleven full-time equivalent positions, two
12 hundred sixty-eight thousand (268,000) dollars; for related
13 travel expenses, twenty-seven thousand (27,000) dollars; for
14 twelve speakers bureaus, forty-eight thousand (48,000) dol-
15 lars; and for general operating and miscellaneous expenses,
16 forty-five thousand (45,000) dollars.

17 The department shall establish six AIDS coalitions, each of
18 which will be accountable for an assigned area and will be
19 responsible for the delivery of AIDS educational programming
20 and the availability of AIDS support services. The Iowa
21 department of public health staff shall provide training,
22 monitoring of coalition activities, and evaluation of program
23 performance. Reports of program performance shall be made
24 annually to the general assembly on or before January 1.

25 2. a. For the implementation of the testing and coun-
26 seling component of the plan, one hundred thirty-one thousand
27 six hundred five (131,605) dollars, for analyses of blood
28 specimens at the state hygienic laboratory at the University
29 of Iowa.

30 b. For personnel and general operating expenses of alter-
31 native testing and counseling sites and of sexually trans-
32 mitted disease clinics, one hundred fifty-nine thousand
33 (159,000) dollars, to be allocated in the following manner:
34 Siouxland district health department, eighteen thousand
35 (18,000) dollars; Council Bluffs health department, seven

1 thousand five hundred (7,500) dollars; Polk county health
 2 department, thirty thousand (30,000) dollars; Linn county
 3 health department, twenty-two thousand five hundred (22,500)
 4 dollars; Johnson county health department, twenty-two thousand
 5 five hundred (22,500) dollars; Black Hawk county health
 6 department, twenty-two thousand (22,000) dollars; Scott county
 7 health department, twenty-one thousand five hundred (21,500)
 8 dollars; and for at least two additional sites, fifteen
 9 thousand (15,000) dollars.

10 3. For the implementation of the public information
 11 campaign component of the plan, forty-four thousand eight
 12 hundred fifty (44,850) dollars, to be allocated in the
 13 following manner: for one and one-half full-time equivalent
 14 positions, twenty-nine thousand seven hundred fifty (29,750)
 15 dollars; for related travel expenses, three thousand one
 16 hundred (3,100) dollars; and for general operating and
 17 miscellaneous expenses, twelve thousand (12,000) dollars.

18 EXPLANATION

19 This bill provides appropriations for implementation of the
 20 various components of the comprehensive acquired immune
 21 deficiency syndrome prevention and intervention plan to the
 22 Iowa department of public health for the 1988-1989 fiscal
 23 year.

24
 25
 26
 27
 28
 29
 30
 31
 32
 33
 34
 35

HOUSE FILE _____
BY (PROPOSED AIDS TASK FORCE
BILL)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to a comprehensive acquired immune deficiency
2 syndrome (AIDS) prevention and intervention plan.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24

S.F. _____ H.F. _____

1 Section 1. NEW SECTION. 135H.1 ACQUIRED IMMUNE DE-
2 FICIENCY SYNDROME -- FINDINGS.

3 The general assembly finds and declares that acquired
4 immune deficiency syndrome (AIDS) presents a significant
5 challenge to the nation and to this state. The nation and
6 this state are presented with the challenge of compensating
7 society for the loss of many young, productive citizens. The
8 state is also challenged with protecting the public health
9 while maintaining individual liberties.

10 Iowans will experience the impact of AIDS for some time and
11 expect the establishment of a proactive, effective policy
12 based upon reason and medical evidence, not a reactive,
13 ineffective policy based upon fear and prejudice.

14 An effective, comprehensive policy includes many elements.
15 The general assembly finds and declares that the state com-
16 prehensive plan for the prevention of and intervention in the
17 disease of AIDS includes the following elements: public and
18 professional health education; testing and counseling, includ-
19 ing contact counseling; and the increased availability of
20 public information. Other elements, including protection of
21 individual rights, confidentiality, and provision of care, are
22 parts of a comprehensive approach to AIDS prevention and
23 intervention.

24 Sec. 2. NEW SECTION. 135H.2 LEAD AGENCY.

25 The Iowa department of public health is designated as the
26 lead agency in the coordination and implementation of the
27 state comprehensive AIDS prevention and intervention plan.

28 Sec. 3. NEW SECTION. 135H.3 COMPREHENSIVE ACQUIRED
29 IMMUNE DEFICIENCY SYNDROME (AIDS) PREVENTION AND INTERVENTION
30 PLAN.

31 1. The Iowa department of public health shall implement
32 the various components of the comprehensive AIDS prevention
33 and intervention plan in accordance with the following
34 prioritized schedule:

35 a. Public and professional health education.

1 b. Testing and counseling.

2 c. Contact counseling.

3 d. Public information.

4 2. All federal and state moneys appropriated to the Iowa
5 department of public health for AIDS-related activities shall
6 be allocated in accordance with the prioritized schedule, and
7 grants shall be awarded to the maximum extent feasible to
8 community-based organizations.

9 Sec. 4. NEW SECTION. 135H.4 PUBLIC AND PROFESSIONAL
10 EDUCATION.

11 1. The Iowa department of public health shall, in co-
12 operation with the department of education and other agencies,
13 organizations, coalitions, and local health departments,
14 develop and implement a program of public and professional
15 AIDS education. In developing and implementing the program,
16 the Iowa department of public health shall:

17 a. Specify the basic elements of information about AIDS to
18 be communicated.

19 b. Recruit, train, and evaluate individuals for participa-
20 tion in AIDS coalitions and speakers bureaus in order to
21 deliver educational information to specific audiences.

22 2. The program of public and professional AIDS education
23 shall include all of the following components:

24 a. Pertinent AIDS information directed toward individuals
25 who are at risk for AIDS. Many people with risk factors for
26 AIDS misunderstand their personal risk or deny risk in spite
27 of targeted educational campaigns. The focus of services at
28 the personal level is to provide education tailored to an
29 individual. An individual may be at increased risk for
30 contracting the human immunodeficiency virus infection because
31 of the individual's sexual or drug abusing behaviors or
32 because the individual maintains a concealed lifestyle,
33 unreachable by community organizations or AIDS service groups.

34 The Iowa department of public health shall include within
35 this component the establishment of risk reduction AIDS edu-

S.F. _____ H.F. _____

1 cation programs for persons receiving services in residential
2 and methadone substance abuse treatment centers.

3 b. Pertinent AIDS information directed toward all pro-
4 viders of health care, including the following: providers who
5 are concerned about the disease and request information,
6 health professionals who serve persons with AIDS or those with
7 human immunodeficiency virus infection, and those providers
8 who need specific education about AIDS in the workplace
9 because their practice or duties involve possible human
10 immunodeficiency virus exposure.

11 This component shall include the distribution of informa-
12 tion to hospice, respite care, and home-health care providers,
13 and staff development programs for personnel in substance
14 abuse program centers.

15 c. Pertinent AIDS information directed toward selected
16 groups of the population, including but not limited to,
17 minorities and school and college age students. Messages
18 directed at these groups shall be individually designed for
19 the specific population.

20 d. Pertinent AIDS information directed toward the general
21 public. The general public needs AIDS information to increase
22 its understanding of the problem and to eliminate fear and
23 anxiety.

24 Sec. 5. NEW SECTION. 135H.5 TESTING AND COUNSELING.

25 Testing and counseling shall be offered to the following:

26 1. All persons seeking treatment for a sexually trans-
27 mitted disease.

28 2. All persons seeking treatment for intravenous drug
29 abuse or having a history of intravenous drug abuse.

30 3. All persons who consider themselves at risk for the
31 human immunodeficiency virus infection.

32 4. Male and female prostitutes.

33 Counseling and testing shall be provided at alternative
34 testing and counseling sites and at sexually transmitted
35 disease clinics. The Iowa department of public health shall

1 assist local boards of health in the development of programs
2 which provide free anonymous testing to the public.

3 Sec. 6. NEW SECTION. 135H.6 PUBLIC INFORMATION CAM-
4 PAIGNS.

5 The Iowa department of public health shall develop, in
6 cooperation with other agencies, organizations, coalitions,
7 and local health departments, through incorporation of the
8 efforts of print, wire, and air media, public information
9 campaigns to increase the distribution of information to the
10 public. Public information campaign activities shall include
11 the following:

12 1. The conducting of informational campaigns designed to
13 increase the awareness of AIDS in all segments of the
14 population.

15 2. The stimulation of individual and community actions to
16 develop AIDS public service activities.

17 3. The encouragement of the use of AIDS public service
18 announcements.

19 Sec. 7. CONTACT COUNSELING PILOT PROJECT.

20 1. The Iowa department of public health shall implement,
21 as a part of the comprehensive AIDS prevention and interven-
22 tion plan, a contact counseling project for persons known to
23 have tested positive for the human immunodeficiency virus
24 infection, beginning September 1, 1988.

25 2. The Iowa department of public health shall initiate the
26 program at alternative testing and counseling sites and at
27 sexually transmitted disease clinics in the county with the
28 highest prevalence of confirmed cases of acquired immune
29 deficiency syndrome (AIDS).

30 3. The Iowa department of public health shall report the
31 results of the pilot project to the general assembly on or
32 before January 1, 1989.

33 4. In administering the pilot project, the Iowa department
34 of public health shall provide for the following:

35 a. A person who tests positive for the human immuno-

S.F. _____ H.F. _____

1 deficiency virus infection shall receive posttest counseling,
 2 during which time the person shall be encouraged on a strictly
 3 confidential basis to refer for counseling and human
 4 immunodeficiency virus testing any person with whom the person
 5 has had sexual relations or has shared intravenous equipment.

6 b. If, following counseling, a person who tests positive
 7 for the human immunodeficiency virus infection chooses to dis-
 8 close the identity of any sexual partners or persons with whom
 9 the person has shared intravenous equipment, the physician or
 10 health practitioner attending the person shall obtain written
 11 consent which acknowledges that the person is making the dis-
 12 closure voluntarily.

13 c. The physician or health practitioner attending the
 14 person shall forward any written consent forms to the Iowa
 15 department of public health.

16 5. The Iowa department of public health shall alert the
 17 sexual partners or the persons with whom the person has shared
 18 intravenous equipment about their exposure, without disclosing
 19 any identifying information about the person making the dis-
 20 closure, and shall refer any person to whom a disclosure is
 21 made to an alternative testing and counseling site or sexually
 22 transmitted disease clinic where the person may obtain
 23 testing.

24 6. The Iowa department of public health shall maintain the
 25 voluntary nature of the project and shall maintain the
 26 confidentiality of the identity and testing status of the
 27 person making the contact disclosure and the identities of the
 28 persons contacted.

29

EXPLANATION

30 This bill establishes a comprehensive acquired immune
 31 deficiency syndrome (AIDS) prevention and intervention plan.
 32 The plan includes provisions in a prioritized schedule for
 33 public and professional health education, testing and
 34 counseling, contact counseling, and a public information
 35 campaign. The Iowa department of public health is designated

1 as the lead agency and is required to allocate state and
2 federal funds received in accordance with the prioritized
3 schedule. The bill also establishes a pilot project for
4 contact counseling as a part of the plan.

5 COMPANION TO LSB 7747SI

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

SENATE FILE _____
BY (PROPOSED AIDS TASK
FORCE BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the civil rights of persons with a condition
2 relating to acquired immune deficiency syndrome, by
3 prohibiting the testing, with respect to the employment of
4 persons, for a condition related to acquired immune deficiency
5 syndrome, and by making remedial provisions of the civil
6 rights law applicable.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

S.F. _____ H.F. _____

1 Section 1. Section 601A.2, subsection 11, Code Supplement
2 1987, is amended to read as follows:

3 11. "Disability" means the physical or mental condition of
4 a person which constitutes a substantial handicap. In
5 reference to employment, under this chapter, "disability" also
6 means the physical or mental condition of a person which
7 constitutes a substantial handicap, but is unrelated to such
8 person's ability to engage in a particular occupation. For
9 the purposes of this chapter, "disability" also means the
10 condition of a person relative to acquired immune deficiency
11 syndrome including a positive human immunodeficiency virus
12 test result, a diagnosis of acquired immune deficiency
13 syndrome, a diagnosis of acquired immune deficiency-related
14 complex, or any other condition related to acquired immune
15 deficiency syndrome.

16 Sec. 2. Section 601A.6, subsection 1, Code 1987, is
17 amended by adding the following new paragraph:

18 NEW PARAGRAPH. d. Person to solicit or require as a
19 condition of employment of any employee or prospective
20 employee a test for the presence of the antibody to the human
21 immunodeficiency virus or affect the terms, conditions, or
22 privileges of employment or terminate the employment of any
23 employee who obtains a test for the presence of the antibody
24 to the human immunodeficiency virus. An agreement between an
25 employer, employment agency, labor organization, or their
26 employees, agents, or members and an employee or prospective
27 employee concerning employment, pay, or benefits to an
28 employee or prospective employee in return for taking a test
29 for the presence of the antibody to the human immunodeficiency
30 virus, is prohibited. The prohibitions of this paragraph do
31 not apply if the state epidemiologist determines and the
32 director of public health declares, that a person with a
33 condition related to acquired immune deficiency syndrome poses
34 a significant risk of transmission of the human
35 immunodeficiency virus to other persons in a specific

1 occupation.

2

EXPLANATION

3 This bill provides that the provisions of the civil rights
 4 act relating to persons with a disability include persons with
 5 a condition related to acquired immune deficiency syndrome.
 6 The bill prohibits the testing of an employee or prospective
 7 employee for the antibody to the human immunodeficiency virus
 8 as a condition of employment or as a basis for the terms,
 9 conditions, or privileges of employment or the termination of
 10 employment. The bill also prohibits an agreement concerning
 11 employment, pay, or benefits to an employee or prospective
 12 employee in exchange for the taking of the test for the
 13 presence of the antibody to the human immunodeficiency virus.
 14 The bill provides that if the director of public health
 15 declares that a person with a condition related to acquired
 16 immune deficiency syndrome poses a significant threat to other
 17 persons in a specific occupation, the prohibitions of the bill
 18 do not apply. The remedial provisions of chapter 601A would
 19 apply.

20

COMPANION TO LSB 7746HI

21
 22
 23
 24
 25
 26
 27
 28
 29
 30
 31
 32
 33
 34
 35

HOUSE FILE _____
BY (PROPOSED AIDS TASK
FORCE BILL)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to confidentiality of human immunodeficiency
2 virus-related matters and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24

S.F. _____ H.F. _____

1 Section 1. NEW SECTION. 135I.1 DEFINITIONS.

2 As used in this chapter, unless the context otherwise
3 requires:

4 1. "AIDS" means acquired immune deficiency syndrome.

5 2. "ARC" means AIDS-related complex.

6 3. "Department" means the Iowa department of public
7 health.

8 4. "Health care provider" means a person providing health
9 care services of any kind.

10 5. "Health facility" means a hospital, health care
11 facility, clinic, blood bank, blood center, sperm bank,
12 laboratory, or other health care institution.

13 6. "HIV" means the human immunodeficiency virus identified
14 as the causative agent of AIDS.

15 7. "HIV-related test" means a test for the antibody or
16 antigen to HIV.

17 8. "Legal guardian" means a person appointed by a court to
18 assume legal authority for another who has been found
19 incompetent or, in the case of a minor, a person who has legal
20 custody of the minor.

21 9. "Release of test results" means a written authorization
22 for disclosure of HIV-related test results which is signed and
23 dated, and which specifies to whom disclosure is authorized
24 and the time period during which the release is to be
25 effective.

26 Sec. 2. NEW SECTION. 135I.2 TESTING.

27 1. A person shall not perform an HIV-related test without
28 first receiving the written, informed consent of the subject
29 of the test or the subject's legal guardian. A health care
30 provider shall certify that informed consent has been received
31 prior to ordering testing by a laboratory or other health
32 facility.

33 2. Written informed consent to an HIV-related test shall
34 consist of an agreement in writing executed by the subject of
35 the test or the subject's legal guardian without undue

1 inducement or any element of compulsion, fraud, deceit,
2 duress, or other form of constraint or coercion, which
3 includes but is not limited to all of the following:

4 a. An explanation of the test, including its purpose,
5 potential uses, limitations, and the meaning of its results.

6 b. An explanation of the procedures to be followed,
7 including that the test is voluntary, that consent may be
8 withdrawn at any time, and that the test can be obtained
9 anonymously if the subject wishes.

10 3. Prior to executing an informed consent agreement, the
11 subject of the test or the subject's legal guardian shall
12 receive all of the following:

13 a. An explanation of the nature of AIDS and ARC and the
14 relationship between the test results and the diseases.

15 b. Information about behaviors known to pose risks for
16 transmission of HIV infection.

17 c. Counseling for coping with the emotional consequences
18 of learning the test results.

19 4. A person seeking an HIV-related test who wishes to
20 remain anonymous shall have the right to do so, and to provide
21 written, informed consent through use of a coded system with
22 no linking of individual identity to the test request or
23 results. A health care provider which does not provide HIV-
24 related tests on an anonymous basis shall refer such a person
25 to a test site which does provide anonymous testing.

26 5. At the time of learning the test results, the subject
27 of the test shall be provided with counseling or referrals for
28 counseling for coping with the emotional consequences of
29 learning the test results.

30 6. Notwithstanding subsection 1, the provisions of this
31 section do not apply to any of the following:

32 a. The performance by a health care provider or health
33 facility of an HIV-related test when the health care provider
34 or health facility procures, processes, distributes, or uses a
35 human body part donated for a purpose specified under the

S.F. _____ H.F. _____

1 Uniform Anatomical Gift Act, or semen provided prior to July
2 1, 1988, for the purpose of artificial insemination, and such
3 test is necessary to assure medical acceptability of such gift
4 or semen for the purposes intended.

5 b. The performance of an HIV-related test by licensed
6 medical personnel in medical emergencies when the subject of
7 the test is unable to grant or withhold consent, and the test
8 results are necessary for medical diagnostic purposes to
9 provide appropriate emergency care or treatment, except that
10 posttest counseling shall be required.

11 c. The performance of an HIV-related test for the purpose
12 of research if the testing is performed in a manner by which
13 the identity of the test subject is not known and cannot be
14 retrieved by the researcher.

15 7. Notwithstanding any other provision of law, a person
16 twelve years of age or older may consent or refuse to consent
17 to be a subject of an HIV-related test and to counseling
18 relevant to the test. The consent or refusal of such a person
19 shall be valid and binding as if the person were an adult, and
20 shall not be voidable or subject to later disaffirmance
21 because of the person's age.

22 Sec. 3. NEW SECTION. 135I.3 CONFIDENTIALITY OF RECORDS.

23 1. A person shall not disclose or be compelled to disclose
24 the identity of any person upon whom an HIV-related test is
25 performed, or the results of the test in a manner which
26 permits identification of the subject of the test, except to
27 any of the following persons:

28 a. The subject of the test or the subject's legal
29 guardian.

30 b. Any person who secures a legally effective release of
31 test results executed by the subject of the test or the
32 subject's legal guardian.

33 c. An authorized agent or employee of a health facility or
34 health care provider if the health facility or health care
35 provider itself is authorized to obtain the test results, the

1 agent or employee provides patient care or handles or
2 processes specimens of body fluids or tissues, and the agent
3 or employee has a medical need to know such information.

4 d. Licensed medical personnel providing care to the
5 subject of the test, when knowledge of the test results is
6 necessary to provide appropriate emergency care or treatment.

7 e. The department or the centers for disease control of
8 the United States public health service in accordance with
9 reporting requirements for a diagnosed case of AIDS or a
10 related condition.

11 f. A health facility or health care provider which
12 procures, processes, distributes, or uses a human body part
13 from a deceased person with respect to medical information
14 regarding that person, or semen provided prior to July 1,
15 1988, for the purpose of artificial insemination.

16 g. Health facility staff committees or accreditation or
17 oversight review organizations which are conducting program
18 monitoring, program evaluation, or service reviews.

19 h. A person allowed access to a record by a court order
20 which is issued in compliance with the following provisions:

21 (1) A court shall not issue such an order unless the court
22 finds that the person seeking the test results has
23 demonstrated a compelling need for the test results which
24 cannot be accommodated by other means. In assessing
25 compelling need, the court shall weigh the need for disclosure
26 against the privacy interest of the test subject and the
27 public interest which may be disserved by disclosure due to
28 its deterrent effect on future testing or due to its effect in
29 leading to discrimination.

30 (2) Pleadings pertaining to disclosure of test results
31 shall substitute a pseudonym for the true name of the subject
32 of the test. The disclosure to the parties of the subject's
33 true name shall be communicated confidentially, in documents
34 not filed with the court.

35 (3) Before granting an order, the court shall provide the

1 person whose test results are in question with notice and a
2 reasonable opportunity to participate in the proceedings if
3 the person is not already a party.

4 (4) Court proceedings as to disclosure of test results
5 shall be conducted in camera unless the subject of the test
6 agrees to a hearing in open court or unless the court
7 determines that a public hearing is necessary to the public
8 interest and the proper administration of justice.

9 (5) Upon the issuance of an order to disclose test
10 results, the court shall impose appropriate safeguards against
11 unauthorized disclosure, which shall specify the persons who
12 may gain access to the information, the purposes for which the
13 information shall be used, and appropriate prohibitions on
14 future disclosure.

15 2. A person to whom the results of an HIV-related test
16 have been disclosed pursuant to subsection 1 shall not
17 disclose the test results to another person except as
18 authorized by subsection 1.

19 3. If disclosure is made pursuant to this section, the
20 disclosure shall be accompanied by a statement in writing
21 which includes the following or substantially similar
22 language: "This information has been disclosed to you from
23 records whose confidentiality is protected by state law.
24 State law prohibits you from making any further disclosure of
25 the information without the specific written consent of the
26 person to whom it pertains, or as otherwise permitted by law.
27 A general authorization for the release of medical or other
28 information is not sufficient for this purpose." An oral
29 disclosure shall be accompanied or followed by such a notice
30 within ten days.

31 Sec. 4. NEW SECTION. 135I.4 TEST PROHIBITED AS CONDITION
32 OF EMPLOYMENT.

33 1. A person shall not require another person to take an
34 HIV-related test as a condition of hiring, promotion, or
35 continued employment unless the test is a bona fide

1 occupational qualification for the job in question.

2 2. A person shall not fail or refuse to hire or shall not
3 discharge another person, or segregate or classify another
4 person in any way which would deprive or tend to deprive that
5 person of employment opportunities or adversely affect the
6 person's status as an employee, or otherwise discriminate
7 against a person with respect to compensation, terms,
8 conditions, or privileges of employment on the basis of the
9 results of an HIV-related test unless the test is a bona fide
10 occupational qualification for the job in question.

11 3. A person who asserts that a bona fide occupational
12 qualification exists for HIV-related testing shall have the
13 burden of proving both of the following:

14 a. That the HIV-related test is necessary to ascertain
15 whether an employee is currently able to perform in a
16 reasonable manner the duties of the particular job or whether
17 an employee will present a significant risk of transmitting
18 HIV infection to other persons in the course of normal work
19 activities.

20 b. That there exists no means of reasonable accommodation
21 short of requiring the test.

22 Sec. 5. NEW SECTION. 135I.5 REMEDIES AND PENALTIES.

23 1. An intentional or reckless violation of section 135I.2
24 or 135I.3 constitutes a serious misdemeanor.

25 2. A person aggrieved by a violation of this chapter shall
26 have a right of action in district court and may recover for
27 each violation any or all of the following:

28 a. Against a person who negligently violates a provision
29 of this chapter, liquidated damages of one thousand dollars or
30 actual damages, whichever is greater.

31 b. Against a person who intentionally or recklessly
32 violates a provision of this chapter, liquidated damages of
33 five thousand dollars or actual damages, whichever is greater.

34 c. Reasonable attorney fees.

35 d. Other relief, including an injunction, as the court may

S.F. _____ H.F. _____

1 deem appropriate.

2 3. An action under this chapter is barred unless the
3 action is commenced within three years after the cause of
4 action accrues.

5 4. The attorney general may maintain a civil action to
6 enforce this chapter in which the court may order any relief
7 authorized by subsection 2.

8 5. This chapter does not limit the rights of the subject
9 of an HIV-related test to recover damages or other relief
10 under any other applicable law.

11 6. This chapter shall not be construed to impose civil
12 liability or criminal sanction for disclosure of HIV-related
13 test results in accordance with any reporting requirement for
14 a diagnosed case of AIDS or a related condition by the
15 department or the centers for disease control of the United
16 States public health service.

17 Sec. 6. NEW SECTION. 135I.6 RULES ADOPTED.

18 The department shall adopt rules pursuant to chapter 17A to
19 implement and enforce this chapter. The rules may include
20 procedures for taking appropriate action with regard to health
21 facilities or health care providers which violate this chapter
22 or the rules adopted pursuant to this chapter.

23 EXPLANATION

24 This bill provides for confidentiality in testing and
25 recordkeeping concerning human immunodeficiency virus (HIV)
26 testing, and provides exceptions for disclosure. The bill
27 prohibits the imposition of a requirement of HIV-related
28 testing as a condition of employment and prohibits the refusal
29 to hire or discharging of a person based upon the results of
30 an HIV-related test. The bill provides remedies for persons
31 aggrieved by violations of the provisions of the bill and
32 provides certain criminal penalties for violations. The bill
33 requires the Iowa department of public health to adopt rules
34 to implement the new law.

35 COMPANION TO LSB 7684SI

LSB 7563IS 72

SENATE FILE _____
BY (PROPOSED AIDS TASK
FORCE BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act prohibiting the disclosure of acquired immune deficiency
2 syndrome-related testing and test results by persons providing
3 health and accident insurance or benefits coverages or life
4 insurance coverages, and providing penalties.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24

S.F. _____ H.F. _____

1 Section 1. NEW SECTION. 507B.15 DISCLOSURE OF ACQUIRED
2 IMMUNE DEFICIENCY SYNDROME-RELATED TESTING AND TEST RESULTS --
3 PROHIBITION.

4 1. A person shall not request or require an individual to
5 take an acquired immune deficiency syndrome-related test when
6 issuing or renewing health and accident or life insurance or
7 providing similar health and accident benefit coverages unless
8 the person complies with both of the following:

9 a. The person agrees not to disclose the fact of the
10 testing or the test results except as required by law, or as
11 authorized by the individual in writing.

12 b. The individual provides informed consent by signing and
13 dating a statement of agreement, which identifies the specific
14 test or tests to be performed and which identifies the entity
15 or entities to which disclosure is authorized.

16 2. A person who violates any provision of subsection 1 is
17 subject at the discretion of the commissioner to any one or
18 more of the following:

19 a. A monetary penalty of not less than one thousand
20 dollars and not more than ten thousand dollars for each and
21 every violation.

22 b. Suspension or revocation of the person's license.

23 EXPLANATION

24 This bill prohibits the disclosure of AIDS-related testing
25 or test results of an individual seeking or renewing accident
26 and health or life insurance or benefit coverage unless the
27 provider of the coverage agrees not to disclose the fact of
28 the test or the test results, and the individual provides
29 informed consent in writing.

30 The bill also provides penalties for violation of the
31 provisions.

32 COMPANION TO LSB 7745HI

33
34
35

SENATE FILE _____
BY (PROPOSED AIDS TASK
FORCE BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the adoption of rules by the Iowa department
2 of public health concerning acquired immune deficiency
3 syndrome-related training for certain care providers.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24

1 Section 1. Section 135.11, Code Supplement 1987, is
2 amended by adding the following new subsection:

3 NEW SUBSECTION. 22. Adopt rules which require personnel
4 of a licensed hospice, of a homemaker-home health aide
5 provider agency which receives state homemaker-home health
6 aide funds, or of an agency which provides respite care
7 services and receives state funds, to annually complete two
8 hours of training concerning acquired immune deficiency
9 syndrome through a program approved by the department.

10 EXPLANATION

11 This bill requires the Iowa department of public health to
12 adopt rules to require personnel of a licensed hospice, a
13 homemaker-home health aide provider agency which receives
14 certain state funds, or a respite care service agency which
15 receives state funds to annually complete two hours of
16 training concerning acquired immune deficiency syndrome
17 through a program approved by the department.

18 COMPANION TO LSB 7682HI

19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35