

JAN 12 1996  
HUMAN RESOURCES

HOUSE FILE 2060  
BY BLODGETT

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to the testing of records requirements regarding  
2 human immunodeficiency virus-related tests and making existing  
3 remedies applicable.

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

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HF 2060

1 Section 1. Section 141.22, subsection 5, Code 1995, is  
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. d. The performance by a health care  
4 provider or health facility of an HIV-related test when the  
5 subject of the test is deceased, a significant exposure as  
6 defined pursuant to section 141.22A, has occurred, and any of  
7 the following applies:

8 (1) The legal guardian of the deceased subject of the test  
9 consents to the test.

10 (2) The deceased subject of the test does not have a legal  
11 guardian, and consent for the test is obtained from any one of  
12 the following:

13 (a) The spouse of the deceased person.

14 (b) A parent of the deceased person.

15 (c) A member of the deceased person's family who is  
16 responsible for the handling of the body.

17 Sec. 2. Section 141.23, subsection 1, Code 1995, is  
18 amended by adding the following new paragraph:

19 NEW PARAGRAPH. k. Any person who secures a written  
20 release of test results executed by a person authorized to  
21 provide consent pursuant to section 141.22, subsection 5,  
22 paragraph "d".

23 EXPLANATION

24 This bill provides an exception to human immunodeficiency  
25 virus-related (HIV-related) testing requirements including  
26 preliminary and post-test counseling, when the subject of the  
27 test is deceased, a significant exposure has occurred, the  
28 deceased person has a legal guardian who consents to the test,  
29 or the deceased person does not have a legal guardian and a  
30 spouse, parent, or member of the deceased person's family  
31 responsible for the handling of the body provides consent to  
32 the test.

33 The bill also provides that the results of an HIV-related  
34 test and the identity of the subject of the test may be  
35 disclosed to the person who secures a release of the test

1 results from a person authorized to provide consent under the  
2 provision relating to the testing of a deceased person.

3 Remedies for violation of provisions relating to HIV-  
4 related testing, including the right of action for damages, is  
5 applicable to a violation of the new provisions.

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