

JAN 25 1996
Place On Calendar

HOUSE FILE 2107
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HF 2060)

Passed House, ^(P. 317) Date 2/14/96 Passed Senate, Date 3/25/96 ^(P. 995)
Vote: Ayes 99 Nays 0 Vote: Ayes 44 Nays 0
Approved April 1, 1996

A BILL FOR

1 An Act relating to the requirements regarding human
2 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 2107

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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HOUSE FILE 2107

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H-5067

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1 Amend House File 2107 as follows:

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2 1. Page 1, lines 6 and 7, by striking the words
3 "and any of the following applies" and inserting the
4 following: "and written consent is obtained from any
5 of the following persons, in order of priority stated,
6 if persons in prior classes are not available".

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- 7 2. Page 1, by striking lines 8 through 16 and
8 inserting the following:
9 "(1) The person designated as the attorney in fact
10 of the deceased person pursuant to chapter 144B, who
11 was acting as attorney in fact at the time of the
12 deceased person's death.
13 (2) The legal guardian of the deceased person at
14 the time of the deceased person's death.
15 (3) The spouse of the deceased person.
16 (4) An adult child of the deceased person.
17 (5) A parent of the deceased person.
18 (6) An adult sibling of the deceased person.
19 (7) Any other member of the deceased person's
20 family who is authorized to dispose of the body.
21 (8) The county medical examiner."
22 3. Page 1, line 21, by inserting after the word
23 "consent" the following: "to performance of an HIV-
24 related test".

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H-5067 FILED FEBRUARY 13, 1996

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(p. 316) adopted 2/14/96

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By BLODGETT of Cerro Gordo

S. 2/15/96 Human Resources
5-3-7-96 Do Pass

HOUSE FILE 2107
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HF 2060)

(As Amended and Passed by the House, February 14, 1996)

Passed House, ^(p. 317) Date 2/14/96 Passed Senate, ^(p. 995) Date 3/25/96
Vote: Ayes 99 Nays 0 Vote: Ayes 44 Nays 0
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A BILL FOR

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

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House Amendments _____

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 written
7 consent is obtained from any of the following persons, in
8 order of priority stated, if persons in prior classes are not
9 available:

10 (1) The person designated as the attorney in fact of the
11 deceased person pursuant to chapter 144B, who was acting as
12 attorney in fact at the time of the deceased person's death.

13 (2) The legal guardian of the deceased person at the time
14 of the deceased person's death.

15 (3) The spouse of the deceased person.

16 (4) An adult child of the deceased person.

17 (5) A parent of the deceased person.

18 (6) An adult sibling of the deceased person.

19 (7) Any other member of the deceased person's family who
20 is authorized to dispose of the body.

21 (8) The county medical examiner.

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

24 NEW PARAGRAPH. k. Any person who secures a written
25 release of test results executed by a person authorized to
26 provide consent to performance of an HIV-related test pursuant
27 to section 141.22, subsection 5, paragraph "d".

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HOUSE FILE 2107

AN ACT

RELATING TO THE REQUIREMENTS REGARDING HUMAN IMMUNODEFICIENCY
VIRUS-RELATED TESTS AND MAKING EXISTING REMEDIES APPLICABLE.

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

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

NEW PARAGRAPH. d. The performance by a health care provider or health facility of an HIV-related test when the subject of the test is deceased, a significant exposure as defined pursuant to section 141.22A, has occurred, and written consent is obtained from any of the following persons, in order of priority stated, if persons in prior classes are not available:

- (1) The person designated as the attorney in fact of the deceased person pursuant to chapter 144B, who was acting as attorney in fact at the time of the deceased person's death.
- (2) The legal guardian of the deceased person at the time of the deceased person's death.
- (3) The spouse of the deceased person.
- (4) An adult child of the deceased person.
- (5) A parent of the deceased person.
- (6) An adult sibling of the deceased person.
- (7) Any other member of the deceased person's family who is authorized to dispose of the body.
- (8) The county medical examiner.

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

NEW PARAGRAPH. k. Any person who secures a written release of test results executed by a person authorized to provide consent to performance of an HIV-related test pursuant to section 141.22, subsection 5, paragraph "d".

RON J. CORBETT
Speaker of the House

LEONARD L. BOSWELL
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2107, Seventy-sixth General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved 4/1, 1996

TERRY E. BRANSTAD
Governor