

3/19/96 Human Res

FILED FEB 15 1996

SENATE FILE **2214**
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 2002)

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

A BILL FOR

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

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

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S.F. 2214

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, an emergency care provider or
6 health care provider as defined pursuant to section 141.22A
7 has been subject to a significant exposure as defined pursuant
8 to section 141.22A, and written consent to the HIV-related
9 test has been obtained from any of the following persons, in
10 order of the priority stated, when persons in prior classes
11 are not available:

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

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

17 (3) The spouse of the deceased person.

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

19 (5) A parent of the deceased person.

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

21 (7) Any other member of the deceased person's family who
22 is authorized to handle the disposition of the body.

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

25 NEW PARAGRAPH. k. Any person who secures a written
26 release of test results pursuant to section 141.22, subsection
27 5, paragraph "d", which is executed by a person authorized to
28 provide consent pursuant to section 141.22, subsection 5,
29 paragraph "d".

30 EXPLANATION

31 This bill provides an exception to human immunodeficiency
32 virus-related (HIV-related) testing requirements including
33 preliminary and post-test counseling, when the subject of the
34 test is deceased, an emergency care provider or a health care
35 provider has been subject to a significant exposure, and an

1 attorney in fact, legal guardian, spouse, adult child, parent,
2 adult sibling, or other member of the deceased person's family
3 responsible for the handling of the body provides consent to
4 the test.

5 The bill also provides that the results of an HIV-related
6 test and the identity of the subject of the test may be
7 disclosed to the person who secures a release of the test
8 results from a person authorized to provide consent under the
9 provision relating to the testing of a deceased person.

10 Remedies for violation of provisions relating to HIV-
11 related testing, including the right of action for damages, is
12 applicable to a violation of the new provisions.

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Vilsack -ch
Tinsman
Hansen

Succeeded By
SF/HF 2214

SSB. 2002
Human Resources

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL
BY CHAIRPERSON SZYMONIAK)

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

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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.

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4 related testing, including the right of action for damages, is
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