

Senate Study Bill 2002

Conference Committee Text

PAG LIN

1 1 Section 1. Section [141.22](#), subsection 5, Code 1995, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. d. The performance by a health care
1 4 provider or health facility of an HIV-related test when the
1 5 subject of the test is deceased, a significant exposure as
1 6 defined pursuant to section 141.22A, has occurred, and any of
1 7 the following applies:
1 8 (1) The legal guardian of the deceased subject of the test
1 9 consents to the test.
1 10 (2) The deceased subject of the test does not have a legal
1 11 guardian, and consent for the test is obtained from any one of
1 12 the following:
1 13 (a) The spouse of the deceased person.
1 14 (b) A parent of the deceased person.
1 15 (c) A member of the deceased person's family who is
1 16 responsible for the handling of the body.
1 17 Sec. 2. Section [141.23](#), subsection 1, Code 1995, is
1 18 amended by adding the following new paragraph:
1 19 NEW PARAGRAPH. k. Any person who secures a written
1 20 release of test results executed by a person authorized to
1 21 provide consent pursuant to section 141.22, subsection 5,
1 22 paragraph "d".

1 23 EXPLANATION
1 24 This bill provides an exception to human immunodeficiency
1 25 virus-related (HIV-related) testing requirements including
1 26 preliminary and post-test counseling, when the subject of the
1 27 test is deceased, a significant exposure has occurred, the
1 28 deceased person has a legal guardian who consents to the test,
1 29 or the deceased person does not have a legal guardian and a
1 30 spouse, parent, or member of the deceased person's family
1 31 responsible for the handling of the body provides consent to
1 32 the test.

1 33 The bill also provides that the results of an HIV-related
1 34 test and the identity of the subject of the test may be
1 35 disclosed to the person who secures a release of the test
2 1 results from a person authorized to provide consent under the
2 2 provision relating to the testing of a deceased person.

2 3 Remedies for violation of provisions relating to HIV-
2 4 related testing, including the right of action for damages, is
2 5 applicable to a violation of the new provisions.

2 6 LSB 3490SC 76

2 7 pf/jw/5