

For the purposes of this section and section 445.5, "taxing authority" means a public body which has the authority to certify a tax to be levied.

Sec. 5. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 14, 1998

CHAPTER 1187

HIV TESTING, REPORTING, AND PARTNER NOTIFICATION

S.F. 2161

AN ACT relating to the reporting and partner notification requirements relative to the human immunodeficiency virus.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 141.4, unnumbered paragraph 2, Code 1997, is amended to read as follows:

Counseling and testing shall be provided at alternative testing and counseling sites and at sexually transmitted disease clinics. The Iowa department of public health shall assist local boards of health in the development of programs which provide free ~~anonymous~~ testing to the public.

Sec. 2. Section 141.6, subsection 3, Code 1997, is amended to read as follows:

3. In administering the program, the Iowa department of public health shall provide for the following:

a. A person who tests positive for the human immunodeficiency virus infection shall receive posttest counseling, during which time the person shall be encouraged on a strictly confidential basis to refer for counseling and human immunodeficiency virus testing any person with whom the person has had sexual relations or has shared intravenous equipment.

~~b. If, following counseling, a person who tests positive for the human immunodeficiency virus infection chooses to disclose the identity of any sexual partners or persons with whom the person has shared intravenous equipment, the physician or health practitioner attending the person shall obtain written consent which acknowledges that the person is making the disclosure voluntarily.~~

~~e. b.~~ The physician or health practitioner attending the person ~~shall forward any written consent forms~~ may provide any relevant information provided by the person regarding any person with whom the tested person has had sexual relations or has shared intravenous equipment to the Iowa department of public health. The department disease prevention staff shall then conduct partner notification in the same manner as that utilized for sexually transmitted diseases.

~~d. c.~~ Devise a procedure, as a part of the partner notification program, to provide for the notification of an identifiable third party who is a sexual partner of or who shares intravenous equipment with a person who has tested positive for the human immunodeficiency virus, by the department or a physician, when all of the following situations exist:

(1) A physician for the infected person is of the good faith opinion that the nature of the continuing contact poses an imminent danger of human immunodeficiency virus infection transmission to the third party.

(2) When the physician believes in good faith that the infected person, despite strong encouragement, has not and will not warn the third party and will not participate in the voluntary partner notification program.

Notwithstanding subsection 4, the department or a physician may reveal the identity of a person who has tested positive for the human immunodeficiency virus infection pursuant to this subsection only to the extent necessary to protect a third party from the direct threat of transmission. Notification of a person pursuant to this paragraph is subject to the disclosure provisions of section 141.23, subsection 3. This subsection shall not be interpreted to create a duty to warn third parties of the danger of exposure to human immunodeficiency virus through contact with a person who tests positive for the human immunodeficiency virus infection.

Prior to notification of a third party, the physician proposing to cause the notification to be made shall make reasonable efforts to inform, in writing, the person who has tested positive for the human immunodeficiency virus infection. The written information shall state that due to the nature of the person's continuing contact with a third party, the physician is forced to take action to provide notification to the third party. The physician, when reasonably possible, shall provide the following information to the person who has tested positive for the human immunodeficiency virus infection:

- (a) The nature of the disclosure and the reason for the disclosure.
- (b) The anticipated date of disclosure.
- (c) The name of the party or parties to whom disclosure is to be made.

The department shall adopt rules pursuant to chapter 17A to implement this paragraph. The rules shall provide a detailed procedure by which the department or a physician may directly notify an endangered third party.

Sec. 3. Section 141.8, subsections 1, 4, and 6, Code 1997, are amended to read as follows:

1. Prior to withdrawing blood for the purpose of performing a human immunodeficiency virus-related test, the physician or other practitioner shall inform the subject of the test that the test is voluntary ~~and may be performed anonymously if requested~~. Within seven days after the testing of a person with a test result indicating human immunodeficiency virus infection which has been confirmed as positive according to prevailing medical technology, the physician or other practitioner at whose request the test was performed shall make a report to the Iowa department of public health on a form provided by the department. ~~Prior to making the required report, the physician or other practitioner shall provide written information regarding the partner notification program and shall inquire if the person wishes to initiate participation in the program by agreeing to have identifying information reported to the department on a confidential basis.~~

4. Within seven days of the testing of a person with a test result indicating human immunodeficiency virus infection ~~which has been confirmed as positive according to prevailing medical technology~~, the director of a blood plasma center or blood bank shall make a report to the Iowa department of public health on a form provided by the department.

6. a. The forms provided by the department pursuant to subsections 2 and 3 shall contain the name, date of birth, sex, and address of the subject of the report and the name and address of the physician or other person making the report. ~~The forms provided by the department pursuant to subsections 1, 4, and 5 may include the subject's age, race, marital status, or other information deemed necessary by the department for epidemiological purposes, but shall not include the subject's name or address without the written authorization of the subject.~~ require inclusion of all of the following information:

- (1) The name of the patient.
- (2) The address of the patient.
- (3) The patient's date of birth.
- (4) The sex of the patient.
- (5) The race or ethnicity of the patient.
- (6) The patient's marital status.

(7) The patient's telephone number.

(8) The name and address of the laboratory, plasma center, or blood center.

(9) The date the test was found to be positive and the collection date.

(10) The name of the physician or medical provider who performed the test.

(11) If the patient is female, whether the patient is pregnant.

b. The subject patient shall be provided with information regarding the confidentiality measures followed by the department and may request that the department maintain the subject's patient's confidential file for the purposes of partner notification, or for the inclusion of the subject patient in research or treatment programs.

c. The department shall develop an informational brochure for patients who may have blood withdrawn for the purpose of performing an HIV test. The information, at a minimum, shall include a summary of the patient's rights and responsibilities under the law.

Sec. 4. Section 141.10, subsection 1, paragraph d, Code 1997, is amended to read as follows:

d. Release may be made of test results concerning a patient pursuant to procedures established under section 141.6, subsection 3, paragraph "~~d~~" "c".

Sec. 5. Section 141.22, subsection 4, Code 1997, is amended to read as follows:

4. Prior to withdrawing blood for the purpose of performing an HIV-related test, the subject shall be given written notice of the provisions of this section and of section 141.6, subsection 3, paragraph "~~d~~" "c".

Approved May 14, 1998

CHAPTER 1188

LEGALIZATION OF SIGOURNEY COMMUNITY SCHOOL DISTRICT SALE OF PROPERTY

S.F. 2225

AN ACT to legalize the proceedings of the board of directors of the Sigourney Community School District to sell certain school district property and providing effective and retroactive applicability dates.

WHEREAS, the board of directors of the Sigourney Community School District, pursuant to section 297.22, authorized the sale of certain property of the school district consisting of the North elementary school site described as out lot twenty and the middle school site described as out lot nine of the City of Sigourney, Keokuk County, Iowa; and

WHEREAS, due to an error, the board failed to have the property appraised as required by section 297.22; and

WHEREAS, the board accepted bids for the property and proceeded with the sale of the property in the belief that the requirements of section 297.22 had been satisfied; NOW THEREFORE,

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. All proceeding taken by the board of directors of the Sigourney Community School District regarding the sale of the North elementary school property and the middle school property are hereby legalized and constitute a valid and binding sale of this property.