

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 362*

Short Title: Communicable Disease Law Change.

(Public)

Sponsors: Representatives S. Thompson, Locks, and Barnhill.

Referred to: Judiciary.

February 23, 1989

A BILL TO BE ENTITLED

AN ACT TO AMEND THE COMMUNICABLE DISEASE LAW.

The General Assembly of North Carolina enacts:

Section 1. G.S. 130A-148 reads as rewritten:

"§ 130A-148. Laboratory tests for AIDS virus infection.

(a) For the protection of the public health, the Commission shall adopt rules establishing standards for the certification of laboratories to perform tests for Acquired Immune Deficiency Syndrome (AIDS) virus infection. The rules shall address, but not be limited to, proficiency testing, record maintenance, adequate staffing and confirmatory testing. Tests for AIDS virus infection shall be performed only by laboratories certified pursuant to this subsection and only on specimens submitted by a physician licensed to practice medicine. This subsection shall not apply to testing performed solely for research purposes under the approval of an institutional review board.

(b) Prior to obtaining consent for donation of blood, semen, tissue or organs, a facility or institution seeking to obtain blood, tissue, semen or organs for transfusion, implantation, transplantation or administration shall provide the potential donor with information about AIDS virus transmission, and information about who should not donate.

(c) No blood or semen may be transfused or administered when blood from the donor has not been tested or has tested positive for AIDS virus infection by a standard laboratory test.

(d) No tissue or organs may be transplanted or implanted when blood from the donor has not been tested or has tested positive for AIDS virus infection by a standard

1 laboratory test unless consent is obtained from the recipient, or from the recipient's
2 guardian or a responsible adult relative of the recipient if the recipient is not competent
3 to give such consent.

4 (e) Any facility or institution that obtains or transfuses, implants, transplants, or
5 administers blood, tissue, semen, or organs shall be immune from civil or criminal
6 liability that otherwise might be incurred or imposed for transmission of AIDS virus
7 infection if the provisions specified in subsections (b), (c), and (d) of this section have
8 been complied with.

9 (f) Specimens may be tested for AIDS virus infection for research or
10 epidemiologic purposes without consent of the person from whom the specimen is
11 obtained if all personal identifying information is removed from the specimen prior to
12 testing.

13 (g) Persons tested for AIDS virus infection shall be notified of test results and
14 counseled appropriately. This subsection shall not apply to tests performed by or for
15 entities governed by Article 34 of G.S. Chapter 58, the Insurance Information and
16 Privacy Protection Act, provided that said entities comply with the notice requirements
17 thereof.

18 (h) No test for AIDS virus infection may be performed without consent of the
19 person being tested except as provided in any law that specifically requires testing for
20 AIDS virus infection. The Commission may authorize or require laboratory tests for
21 AIDS virus infection when necessary to protect the public health.

22 (i) Except as provided in subsection (h) of this section, no test for AIDS virus
23 infection shall be required, performed, or used to determine suitability for employment,
24 housing, or public services, or for the use of places of public accommodation, as defined
25 in G.S. 168A-3(8), or public transportation. It shall be further unlawful to discriminate
26 against persons to determine suitability for employment, housing, or public services, or
27 for the use of places of public accommodation, as defined in G.S. 168A-3(8), or public
28 transportation who has or is perceived to have AIDS virus infection. Any person so
29 aggrieved shall be entitled to institute a civil action pursuant to G.S. 168A-11 of the
30 Handicapped Persons Protection Act, or G.S. 41A-7 of the State Fair Housing Act."

31 Sec. 2. This act is effective upon ratification.