

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 755
Second Edition Engrossed 5/9/91

Short Title: AIDS Test/Risk Exposure.

(Public)

Sponsors: Senator Johnson.

Referred to: Human Resources.

April 24, 1991

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW AIDS TESTING WITHOUT CONSENT IN CERTAIN
3 MEDICAL PROCEDURES.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 130A-148(j) reads as rewritten:

6 "(j) It shall not be unlawful for a licensed health care provider or facility to:

7 (1) Treat a person who has AIDS virus or HIV infection differently from
8 persons who do not have that infection when such treatment is
9 appropriate to protect the health care provider or employees of the
10 provider or employees of the facility while providing appropriate care
11 for the person who has the AIDS virus or HIV infection; ~~or~~

12 (1a) Test a person for AIDS virus or HIV infection without the informed
13 consent of the person, when, in the reasonable medical judgment of the
14 attending physician, a significant risk of transmission of the AIDS
15 virus or HIV infection has occurred through high likelihood of blood
16 or body fluid exposure during a medical procedure; or

17 (2) Refer a person who has AIDS virus or HIV infection to another
18 licensed health care provider or facility when such referral is for the
19 purpose of providing more appropriate treatment for the person with
20 AIDS virus or HIV infection."

21 Sec. 2. This act becomes effective July 1, 1991.