

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2394 Session of  
1992

INTRODUCED BY STURLA, SCHULER, FAJT, STEELMAN, PESCI, VEON,  
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DeLUCA, PISTELLA AND TOMLINSON, FEBRUARY 5, 1992

REFERRED TO COMMITTEE ON HEALTH AND WELFARE, FEBRUARY 5, 1992

AN ACT

1 Providing for the reporting of certain information concerning  
2 individuals who test positive for the human immunodeficiency  
3 virus to the Department of Health; and providing for  
4 penalties.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the HIV Reporting  
9 Act.

10 Section 2. Declaration of policy.

11 The General Assembly finds and declares as follows:

12 (1) The rate of acquired immune deficiency syndrome  
13 (AIDS) continues to rise at an alarming rate. Demographics  
14 show that the number of AIDS cases within the minority  
15 community are far out of proportion in comparison to AIDS  
16 cases within the general population. In order to develop and  
17 implement effective education, training, treatment and  
18 prevention programs, it is necessary to determine the number

1 of individuals who are carrying the human immunodeficiency  
2 virus (HIV), the causative agent of AIDS, along with  
3 information concerning the geographic location and mode of  
4 transmission.

5 (2) It is the intent of the General Assembly to provide  
6 a method of acquiring demographic information on individuals  
7 who are found to be infected with HIV so that informed  
8 decisions can be made with respect to public policy and  
9 programs.

### 10 Section 3. Definitions.

11 The following words and phrases when used in this act shall  
12 have the meanings given to them in this section unless the  
13 context clearly indicates otherwise:

14 "Confidential HIV-related information." Any information  
15 which is in the possession of a person who provides one or more  
16 health or social services or who obtains the information  
17 pursuant to a release of confidential HIV-related information  
18 and which concerns whether an individual has been the subject of  
19 an HIV-related test or has HIV, HIV-related illness or AIDS; or  
20 any information which identifies or reasonably could identify an  
21 individual as having one or more of these conditions, including  
22 information pertaining to the individual's contacts.

23 "Department." The Department of Health of the Commonwealth.

24 "Health care provider." An individual or institutional  
25 health care provider.

26 "HIV." The human immunodeficiency virus.

27 "Home care agency." Any organization or part of an  
28 organization which is staffed and equipped to provide in-home  
29 health care services. The term includes, but is not limited to,  
30 Commonwealth-licensed home health agencies, home health aide

1 agencies or private duty care agencies.

2 "Individual health care provider." A physician, nurse,  
3 emergency medical services worker, chiropractor, optometrist,  
4 psychologist, nurse-midwife, physician assistant, dentist or  
5 other person, including a professional corporation or  
6 partnership, providing medical, nursing, drug or alcohol  
7 rehabilitation services, mental health services, other health  
8 care services or an employee or agent of such individual or an  
9 institutional health care provider.

10 "Institutional health care provider." A hospital, nursing  
11 home, hospice, clinic, blood bank, plasmapheresis or other blood  
12 product center, organ or tissue bank, sperm bank, clinical  
13 laboratory, residential or outpatient drug and alcohol  
14 rehabilitation service, mental health facility, mental  
15 retardation facility, home care agency, local health department  
16 or any health care institution required to be licensed in this  
17 Commonwealth whether privately or publicly operated.

18 "Laboratory evidence of HIV infection." A laboratory finding  
19 for antibody to human immunodeficiency virus (HIV) that meets  
20 the Association of State and Territorial Public Health  
21 Laboratory Directors (ASTPHLD) or the Centers for Disease  
22 Control (CDC) of the United States Public Health Service  
23 criteria for a positive Western Blot or a licensed test that  
24 reveals the presence of the HIV virus antigen.

25 Section 4. Reports to department.

26 For the purpose of collecting reliable data, all health care  
27 providers shall report each instance of laboratory evidence of  
28 HIV infection to the appropriate division of the department.  
29 Each report shall consist only of the following information.

30 (1) The age, race and sex of the individual tested.

1           (2) The county and zip code of the individual's place of  
2       residence.

3           (3) The mode of transmission of infection.

4       Section 5. Confidentiality.

5       Except as provided under section 4 or as authorized under the  
6       act of November 29, 1990 (P.L.585, No.148), known as the  
7       Confidentiality of HIV-Related Information Act, a health care  
8       provider required to report laboratory evidence of HIV infection  
9       may not disclose or be compelled to disclose confidential HIV-  
10      related information.

11      Section 6. Penalties.

12      (a) Failure to make report.--A person who violates this act  
13      by failing to make a report as required under section 4 commits  
14      a summary offense and shall, upon conviction, be sentenced to  
15      pay a fine of not less than \$25 and not more than \$300 and in  
16      default of payment thereof to imprisonment for not more than 30  
17      days. Each failure to report shall constitute a separate  
18      offense.

19      (b) Unlawful disclosure of information.--A person who  
20      violates section 5 commits a misdemeanor of the third degree and  
21      shall, upon conviction, be sentenced to pay a fine of not less  
22      than \$100 and not more than \$5,000.

23      (c) Prosecutions.--Prosecutions may be instituted by the  
24      department, by a local board or department of health or by any  
25      person having knowledge of a violation of this act.

26      (d) Disposition of fines.--Any fine imposed for a violation  
27      of this act occurring in a municipality which has its own local  
28      board or department of health shall be paid to the municipality.  
29      Any fine imposed for a violation occurring in a municipality  
30      served by a county department of health shall be paid to the

1 county wherein the offense was committed. All other fines shall  
2 be paid into the General Fund. This disposition of fines shall  
3 be controlling regardless of the party instituting the  
4 prosecution.

5 Section 7. Effective date.

6 This act shall take effect in 60 days.