

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2097 Session of
1993

INTRODUCED BY SURRA, MELIO, FLICK, BELFANTI, YEWCIC,
M. N. WRIGHT, COLAIZZO, PITTS, FAJT, SANTONI, RAYMOND, TIGUE,
MIHALICH, COY, TRUE, TANGRETTI, VEON, DeLUCA, GERLACH,
STABACK, ROONEY AND STISH, OCTOBER 6, 1993

REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 6, 1993

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
2 "An act providing for and reorganizing the conduct of the
3 executive and administrative work of the Commonwealth by the
4 Executive Department thereof and the administrative
5 departments, boards, commissions, and officers thereof,
6 including the boards of trustees of State Normal Schools, or
7 Teachers Colleges; abolishing, creating, reorganizing or
8 authorizing the reorganization of certain administrative
9 departments, boards, and commissions; defining the powers and
10 duties of the Governor and other executive and administrative
11 officers, and of the several administrative departments,
12 boards, commissions, and officers; fixing the salaries of the
13 Governor, Lieutenant Governor, and certain other executive
14 and administrative officers; providing for the appointment of
15 certain administrative officers, and of all deputies and
16 other assistants and employes in certain departments, boards,
17 and commissions; and prescribing the manner in which the
18 number and compensation of the deputies and all other
19 assistants and employes of certain departments, boards and
20 commissions shall be determined," providing for Human
21 Immunodeficiency Virus (HIV) test results and for penalties;
22 and making a repeal.

23 The General Assembly of the Commonwealth of Pennsylvania
24 hereby enacts as follows:

25 Section 1. The act of April 9, 1929 (P.L.177, No.175), known
26 as The Administrative Code of 1929, is amended by adding a
27 section to read:

1 Section 903-B. Human Immunodeficiency Virus (HIV) Test

2 Results.--(a) The test result of an inmate under the care of
3 the Department of Corrections who is tested for the presence of
4 the human immunodeficiency virus (HIV) shall be provided to the
5 warden or chief executive of the facility where the inmate is
6 housed.

7 (b) A warden or chief executive may inform personnel who
8 come into or are potentially apt to come into direct contact
9 with an inmate who has tested positive for the presence of the
10 human immunodeficiency virus (HIV) that the inmate has tested
11 positive.

12 (c) A warden, chief executive or other personnel who know an
13 inmate's test result for the presence of the human
14 immunodeficiency virus (HIV) may use this information solely for
15 purposes of official Department of Corrections business. A
16 person who discloses this information for purposes other than
17 official business commits a misdemeanor of the third degree.

18 (d) A person who discloses the information under this
19 section for purposes other than official business shall not be
20 immune from liability for civil damages caused by this
21 disclosure.

22 Section 2. The act of November 29, 1990 (P.L.585, No.148),
23 known as the Confidentiality of HIV-Related Information Act, is
24 repealed insofar as it is inconsistent with this act.

25 Section 3. This act shall take effect in 60 days.