

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1487 Session of
1999

INTRODUCED BY VANCE, E. Z. TAYLOR, SNYDER, NAILOR, MASLAND,
CHADWICK, TRUE, EGOLF, BAKER, BELFANTI, BUNT, CLARK,
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HARHAI, HERSHEY, MAITLAND, McCALL, MCGILL, MELIO, PESCI,
PLATTS, ROHRER, ROSS, SATHER, SCRIMENTI, SEMMEL, SEYFERT,
SOLOBAY, STERN, STURLA, TIGUE, TRELLO AND WOGAN, MAY 11, 1999

REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES, MAY 11, 1999

AN ACT

1 Providing for the reporting by a confidential unique identifier
2 of certain information concerning individuals who test
3 positive for the human immunodeficiency virus to the
4 Department of Health; and providing for 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 Human
9 Immunodeficiency Virus Reporting Act.

10 Section 2. Declaration of policy.

11 The General Assembly finds and declares as follows:

12 (1) Acquired immune deficiency syndrome (AIDS) continues
13 to rise to an extraordinary rate. Statistics show that the
14 number of AIDS cases are disproportionately higher within the
15 minority community in comparison to AIDS cases within the
16 general population. For effective prevention, treatment,

1 training and education programs regarding AIDS, it is
2 necessary to determine the number of individuals with human
3 immunodeficiency virus (HIV), the causative agent of AIDS,
4 its mode of transmission and the geographic location of those
5 individuals.

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

11 Section 3. Definitions.

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

15 "AIDS." Acquired immune deficiency syndrome.

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

26 "Confidential unique identifier." A unique sequence of
27 numbers and letters used to prevent duplication in HIV reporting
28 and assist in maintaining confidentiality.

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

30 "Health care provider." An individual or institutional

1 health care provider.

2 "HIV." The human immunodeficiency virus.

3 "Laboratory evidence of HIV infection." A laboratory finding
4 for antibody to HIV that meets the Association of State and
5 Territorial Public Health Laboratory Directors or the Centers
6 for Disease Control and Prevention of the United States Public
7 Health Service criteria for a positive Western Blot or a
8 licensed test that reveals the presence of the HIV virus
9 antigen.

10 Section 4. Unique identifier determination.

11 The department shall determine the mode of creating and the
12 method of implementing confidential unique identifier codes.

13 Section 5. Reports to department.

14 For the purpose of collecting reliable and confidential data
15 relating to individuals with HIV, lab technicians, HIV test site
16 personnel and physicians shall report each instance of
17 laboratory evidence of HIV to the appropriate division of the
18 department using the confidential unique identifier system. Each
19 report shall consist only of the following information:

20 (1) The unique identifier.

21 (2) The mode of transmission of the infection.

22 (3) The age, race and sex of the individual.

23 (4) The county and zip code of the individual's place of
24 residence.

25 Section 6. Confidentiality.

26 Except as provided under section 5 or as authorized under the
27 act of November 29, 1990 (P.L.585, No.148), known as the
28 Confidentiality of HIV-Related Information Act, individuals
29 required to report laboratory evidence of HIV infection may not
30 disclose or be compelled to disclose confidential HIV-related

1 information. HIV test results may not be reported by name or
2 with attachment of any other unique identifier in lieu of the
3 confidential unique identifier as defined in this act and as
4 established and implemented by the department.

5 Section 7. Penalties.

6 (a) Failure to make report.--A person who violates this act
7 by failing to make a report as required under section 4 commits
8 a summary offense and shall, upon conviction, be sentenced to
9 pay a fine of not less than \$50 and not more than \$250 and in
10 default of payment thereof to imprisonment for not more than 30
11 days. Each failure to report shall constitute a separate
12 offense.

13 (b) Unlawful disclosure of information.--A person who
14 violates section 5 commits a misdemeanor of the third degree and
15 shall, upon conviction, be sentenced to pay a fine of not less
16 than \$200 and not more than \$5,000.

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

20 (d) Disposition of fines.--A fine imposed for a violation of
21 this act occurring in a municipality which has its own local
22 board or local department of health shall be paid to the
23 municipality. Any fine imposed for a violation occurring in a
24 municipality served by a county department of health shall be
25 paid to the county wherein the offense was committed. All other
26 fines shall be paid into the General Fund. This disposition of
27 fines shall control regardless of the party who institutes the
28 prosecution.

29 Section 8. Regulations.

30 The department shall promulgate regulations necessary to

- 1 implement this act.
- 2 Section 9. Effective date.
- 3 This act shall take effect in 90 days.