



Senate of Pennsylvania

TO: All Senators

FROM: Senator Edwin B. Erickson *EBE*

DATE: December 8, 2010

SUBJECT: Cosponsorship of Legislation – Consent to HIV Testing

I intend to reintroduce Senate Bill 291 of 2009, legislation that will amend Act 148 of 1990, the “Confidentiality of HIV-Related Information Act”. I originally introduced this legislation in response to recommendations of the Centers for Disease Control and Prevention (CDC) to streamline the testing process.

When Act 148 was enacted, HIV testing was primarily targeted at individuals from high risk populations and blood donors. The act was designed to guarantee privacy, confidentiality, and education for those tested. These goals were to be ensured by the requirement for pre-test counseling which included education about HIV prevention, and for signed informed consent.

In September of 2007, the CDC issued its “Revised Recommendations for HIV Testing” which called for routine HIV screening of all persons in a healthcare setting. Although Act 148’s written informed consent provision was important when it was first implemented, it has become an impediment to Pennsylvania’s ability to meet the CDC’s recommendations for routine testing.

My legislation will amend Act 148 by eliminating the requirement for pre-test counseling, and providing for an “opt-out” provision, whereby a patient is advised that a blood test will include testing for HIV unless he or she refuses. This procedure will prioritize identifying individuals who are unaware of their HIV status and getting them into treatment, while sustaining the fundamental voluntary nature of HIV screening.

If you would like to cosponsor this legislation, please contact Linda Kauffman at 7-1350 or lkauffman@pasen.gov.