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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 743      Session of  
1993

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INTRODUCED BY PERZEL AND E. Z. TAYLOR, MARCH 22, 1993

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REFERRED TO COMMITTEE ON HEALTH AND WELFARE, MARCH 22, 1993

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AN ACT

1 Providing for the testing of certain persons for acquired immune  
2 deficiency syndrome and for further duties of the Department  
3 of Health; and providing penalties.

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

6 Section 1. Short title.

7 This act shall be known and may be cited as the AIDS Control  
8 Act.

9 Section 2. Definitions.

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

13 "AIDS." Acquired immune deficiency syndrome.

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

15 "HIV." Human immunodeficiency virus.

16 Section 3. Testing requirement.

17 The following persons shall be tested for HIV infection:

18 (1) Persons applying for a marriage license pursuant to

1 the act of August 12, 1953 (P.L.1344, No.383), known as The  
2 Marriage Law.

3 (2) Persons arrested for violation of any of the  
4 following:

5 (i) 18 Pa.C.S. § 3123 (relating to involuntary  
6 deviate sexual intercourse).

7 (ii) 18 Pa.C.S. § 3124 (relating to voluntary  
8 deviate sexual intercourse).

9 (iii) 18 Pa.C.S. § 5902 (relating to prostitution and  
10 related offenses).

11 (3) Persons arrested, in connection with intravenous  
12 drug use, for a violation of the act of April 14, 1972  
13 (P.L.233, No.64), known as The Controlled Substance, Drug,  
14 Device and Cosmetic Act.

15 (4) Persons employed in the health care industry. This  
16 testing shall be on an annual basis.

17 (5) Persons admitted to any hospital operated or  
18 licensed by the Commonwealth.

19 (6) Persons who offer to donate blood.

20 (7) Inmates of jails and prisons. This testing shall be  
21 on an annual basis.

22 (8) Persons who handle food in the course of their  
23 employment. This testing shall be on an annual basis.

24 Section 4. Reporting and contact tracing.

25 All persons who test positive for HIV infection shall be  
26 reported to the department, or its designated agency, for  
27 appropriate counseling and for contact tracing. The department  
28 shall trace the sexual and intravenous drug-sharing contacts of  
29 all persons with HIV infection who are likely to have acquired  
30 the infection by sexual intercourse or drug use.

1 Section 5. Bathhouses prohibited.

2 (a) Offense defined.--It shall be unlawful for any person to  
3 operate any establishment, including, but not limited to,  
4 establishments commonly known as bathhouses, wherein the  
5 practice of sodomy or other voluntary deviate sexual intercourse  
6 is encouraged or condoned.

7 (b) Penalty.--A violation of this section constitutes a  
8 misdemeanor of the second degree.

9 Section 6. Assault by AIDS carrier.

10 Any person who has tested positive for HIV infection and,  
11 with knowledge of same, willfully assaults another in a manner  
12 likely to transfer the infection commits a felony of the first  
13 degree.

14 Section 7. Administration.

15 This act shall be administered by the department, which shall  
16 promulgate the rules and regulations necessary to carry out the  
17 provisions of this act.

18 Section 8. Effective date.

19 This act shall take effect in 60 days.