

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 191

Short Title: Duty to Inform Sex Partner of AIDS.

(Public)

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Sponsors: Representatives Dawkins; Wood and Arnold.

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Referred to: Judiciary.

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February 13, 1989

A BILL TO BE ENTITLED

AN ACT TO IMPOSE A DUTY UPON A PERSON WHO KNOWS HE HAS AIDS  
TO INFORM A PERSON WITH WHOM HE HAS SEXUAL INTERCOURSE OF  
THE FACT THAT HE HAS AIDS.

The General Assembly of North Carolina enacts:

Section 1. Chapter 1 of the General Statutes is amended by adding a new  
Article to read:

**“ARTICLE 43F.**

**“DUTY TO INFORM OF PRESENCE OF AIDS.**

**“§ 1-539.30. Duty to Inform of Presence of Aids.**

(a) A person who has been diagnosed as having the Acquired Immune  
Deficiency Syndrome (AIDS) virus infection shall, before engaging in sexual  
intercourse with another person, inform the other person of the fact that he has been  
diagnosed as having the AIDS virus infection.

(b) A person who fails to comply with subsection (a) shall be liable to the person  
with whom he had sexual intercourse, for physical illness and severe mental distress  
proximately caused by his failure to comply.

(c) Actual and punitive damages shall be recoverable in an action brought under  
this section.”

Sec. 2. This act is effective upon ratification.