

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 756
Human Resources Committee Substitute Adopted 5/14/91

Short Title: AIDS Testing.

(Public)

Sponsors:

Referred to:

April 24, 1991

A BILL TO BE ENTITLED

AN ACT TO ALLOW TESTING FOR AIDS WHERE APPROPRIATE FOR
PATIENT CARE AND PROTECTION OF HEALTH CARE WORKERS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 130A-148(h) reads as rewritten:

"(h) The Commission may authorize or require laboratory tests for AIDS virus infection when necessary to protect the public health. ~~A test for AIDS virus infection may also be performed upon any person solely by order of a physician licensed to practice medicine in North Carolina who is rendering medical services to that person when, in the reasonable medical judgment of the physician, the test is necessary for the appropriate treatment of the person; however, the person shall be informed that a test for AIDS virus infection is to be conducted, and shall be given clear opportunity to refuse to submit to the test prior to it being conducted, and further if informed consent is not obtained, the test may not be performed. A physician may order a test for AIDS virus infection without the informed consent of the person tested if the person is incapable of providing or incompetent to provide such consent, others authorized to give consent for the person are not available, and testing is necessary for appropriate diagnosis or care of the person.~~ A physician licensed to practice medicine in North Carolina who is rendering medical services to a person pursuant to consent otherwise adequate under law may order a test for AIDS virus infection without the necessity of separate consent when, in the reasonable medical judgment of the physician, the test is appropriate for treatment of the person or protection of health care workers; however, the person shall receive notification that a test may be performed and information on the test results.

1 An unemancipated minor may be tested for AIDS virus infection without the consent
2 of the parent or legal guardian of the minor when the parent or guardian has refused to
3 consent to such testing and there is reasonable suspicion that the minor has AIDS virus
4 or HIV infection or that the child has been sexually abused."

5 Sec. 2. This act becomes effective July 1, 1991.