

certain patients; making a certain exception; requiring certain health care providers to make certain offers of HIV testing and provide referrals for certain treatment and services under certain circumstances; requiring certain health care providers to offer certain HIV tests and antiretroviral prophylaxis during labor and delivery under certain circumstances; and generally relating to requirements for informed consent for HIV testing, referrals for treatment, and HIV testing ~~of pregnant women.~~

BY repealing and reenacting, with amendments,

Article – Health – General

Section 18–336 and 18–338.2

Annotated Code of Maryland

(2005 Replacement Volume and 2007 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

**Article – Health – General**

18–336.

(a) (1) In this section the following words have the meanings indicated.

(2) “HIV” means the human immunodeficiency virus that causes acquired immune deficiency syndrome.

(3) “HEALTH CARE FACILITY” HAS THE SAME MEANING STATED IN § 18–338.2 OF THIS SUBTITLE.

[(3)] (4) “Health care provider” means a physician, nurse, or designee of a health care facility.

(b) Except as provided in Title 11, Subtitle 1, Part II of the Criminal Procedure Article or § 18–338.3 of this subtitle, before obtaining a fluid or tissue sample from the body of an individual for the purpose of testing the fluid or tissue for the presence of HIV infection, a health care provider shall:

(1) Obtain [written] informed consent from the individual [on a uniform HIV informed consent form that the Department shall develop consistent with the requirements of the Department as established by regulations adopted by the Department] AFTER:

(1) INFORMING THE INDIVIDUAL THAT AN HIV TEST WILL BE ADMINISTERED; AND