

SENATE BILL NO. 124

INTRODUCED BY HAGER, SQUIRES, HALLIGAN

IN THE SENATE

JANUARY 14, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON PUBLIC HEALTH, WELFARE & SAFETY. FIRST READING.
FEBRUARY 14, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 15, 1989	PRINTING REPORT.
FEBRUARY 16, 1989	SECOND READING, DO PASS.
FEBRUARY 17, 1989	ENGROSSING REPORT.
FEBRUARY 18, 1989	THIRD READING, PASSED. AYES, 49; NOES, 0. TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 18, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON HUMAN SERVICES & AGING.
FEBRUARY 20, 1989	FIRST READING.
MARCH 4, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 6, 1989	SECOND READING, CONCURRED IN.
MARCH 7, 1989	THIRD READING, CONCURRED IN. AYES, 64; NOES, 27. RETURNED TO SENATE.

IN THE SENATE

MARCH 8, 1989

RECEIVED FROM HOUSE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *Senate* BILL NO. *124*
2 INTRODUCED BY *Hager Squin Kelly*
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING A LONG-TERM
5 CARE FACILITY FROM REFUSING TO ADMIT A PERSON TO THE
6 FACILITY SOLELY BECAUSE THAT PERSON HAS AIDS OR ANY OTHER
7 HIV-RELATED CONDITION; AND AMENDING SECTION 50-5-105, MCA."
8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
10 **Section 1.** Section 50-5-105, MCA, is amended to read:
11 "50-5-105. Discrimination prohibited. (1) All phases
12 of the operation of a health care facility shall be without
13 discrimination against anyone on the basis of race, creed,
14 religion, color, national origin, sex, age, marital status,
15 physical or mental handicap, or political ideas.
16 (2) (a) A long-term care facility may not refuse to
17 admit a person to the facility solely because the person has
18 an HIV-related condition.
19 (b) For the purposes of this subsection (2) the
20 following definitions apply:
21 (i) "HIV" means the human immunodeficiency virus
22 identified as the causative agent of acquired
23 immunodeficiency syndrome (AIDS) and includes all HIV and
24 HIV-related viruses that damage the cellular branch of the
25 human immune or neurological system and leave the infected

1 person immunodeficient or neurologically impaired.
2 (ii) "HIV-related condition" means any medical
3 condition resulting from an HIV infection, including but not
4 limited to seropositivity for HIV.
5 (2)(3) No A person who operates a facility may not
6 discriminate among the patients of licensed physicians. The
7 free and confidential professional relationship between a
8 licensed physician and patient shall continue and remain
9 unaffected."
10 **NEW SECTION. Section 2.** Extension of authority. Any
11 existing authority to make rules on the subject of the
12 provisions of [this act] is extended to the provisions of
13 [this act].

-End-

APPROVED BY COMMITTEE
ON PUBLIC HEALTH, WELFARE
& SAFETY

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Section 1. Section 50-5-105, MCA, is amended to read:

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(2) (a) A long-term HEALTH care facility may not refuse to admit a person to the facility solely because the person has an HIV-related condition.

(b) For the purposes of this subsection (2) the following definitions apply:

(i) "HIV" means the human immunodeficiency virus identified as the causative agent of acquired immunodeficiency syndrome (AIDS) and includes all HIV and HIV-related viruses that damage the cellular branch of the human immune or neurological system and leave the infected

person immunodeficient or neurologically impaired.

(ii) "HIV-related condition" means any medical condition resulting from an HIV infection, including but not limited to seropositivity for HIV.

(2)(3) No A person who operates a facility may not discriminate among the patients of licensed physicians. The free and confidential professional relationship between a licensed physician and patient shall continue and remain unaffected."

NEW SECTION. Section 2. Extension of authority. Any existing authority to make rules on the subject of the provisions of [this act] is extended to the provisions of [this act].

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