

HOUSE BILL 560

Introduced by Simpkins

2/10	Introduced
2/10	Referred to Human Services & Aging
2/10	First Reading
2/15	Hearing
2/17	Tabled in Committee

1 House BILL NO. 560  
2 INTRODUCED BY Simpkins  
3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A HEALTH CARE  
5 PROVIDER AND LABORATORY PERSONNEL TO REPORT BY NAME A  
6 PATIENT WHO SUFFERS FROM AIDS OR AN HIV-RELATED CONDITION;  
7 PROVIDING IMMUNITY FOR THE HEALTH CARE PROVIDER AND FOR  
8 LABORATORY PERSONNEL; AND PROVIDING A PENALTY FOR  
9 NONCOMPLIANCE WITH THE REPORTING REQUIREMENTS."

10  
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 NEW SECTION. Section 1. Reports of HIV-related  
13 condition -- immunity -- penalty. (1) A health care provider  
14 who diagnoses or treats an individual for AIDS or an  
15 HIV-related condition as defined in 50-16-1003 shall file a  
16 report with the department of health and environmental  
17 sciences, in a form and within a time period designated by  
18 the department. A health care provider shall report to the  
19 department any death from an HIV-related condition.

20 (2) A report made under the provisions of subsection  
21 (1) must contain the name, date of birth, sex, and address  
22 of the patient and the name and address of the health care  
23 provider.

24 (3) A report made pursuant to this section does not  
25 constitute libel or slander or a violation of the right of

1 privacy or privileged communication.

2 (4) A person who in good faith complies with the  
3 provisions of [section 2] or this section is immune from  
4 civil and criminal liability for an action taken pursuant to  
5 [section 2] or this section. Compliance by a health care  
6 provider with the requirements of this section and with  
7 regulations promulgated by the department fulfills the duty  
8 of the health care provider to a third party.

9 (5) A violation of subsection (1) is subject to the  
10 provisions of 37-2-301.

11 NEW SECTION. Section 2. Reports of positive HIV tests.

12 All laboratories or persons performing HIV-related tests, as  
13 defined in 50-16-1003, shall report to the department of  
14 health and environmental sciences, in a form and within a  
15 time period designated by the department, the name, date of  
16 birth, sex, and address of any individual whose specimen  
17 submitted for examination tests positive for HIV, as defined  
18 in 50-16-1003. The report must include the test results and  
19 the name and address of the health care provider referring  
20 the positive specimen for testing.

21 NEW SECTION. Section 3. Use of reports. The public  
22 health reports required to be submitted by [sections 1 and  
23 2] are subject to the provisions of 50-16-1009.

24 NEW SECTION. Section 4. Codification instruction.  
25 [Sections 1 through 3] are intended to be codified as an

LC 1363/01

- 1 integral part of Title 50, chapter 16, and the provisions of
- 2 Title 50, chapter 16, apply to [sections 1 through 3].

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