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2 INTRODUCED BY

*House* BILL NO. *412*  
*Bergeson* *Molner* *Loze Ahner*

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE DEFINITION OF "HEALTH CARE PROVIDER" FOR  
5 THE AIDS PREVENTION ACT TO ALLOW AN OUT-OF-STATE HEALTH CARE PROVIDER TO ORDER AN  
6 HIV TEST FOR INSURANCE COMPANIES; AMENDING SECTION 50-16-1003, MCA; AND PROVIDING AN  
7 IMMEDIATE EFFECTIVE DATE."  
8

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

11 **Section 1.** Section 50-16-1003, MCA, is amended to read:

12 **"50-16-1003. Definitions.** As used in this part, the following definitions apply:

13 (1) "AIDS" means acquired immune deficiency syndrome as further defined by the department in  
14 accordance with standards promulgated by the centers for disease control of the United States public health  
15 service.

16 (2) "Contact" means:

17 (a) an individual identified by the subject of an HIV-related test as a past or present sexual partner  
18 or as a person with whom the subject has shared hypodermic needles or syringes; or

19 (b) any other person who has been exposed to the test subject in a manner, voluntary or  
20 involuntary, that may allow HIV transmission in accordance with modes of transmission recognized by the  
21 centers for disease control of the United States public health service.

22 (3) "Department" means the department of public health and human services provided for in  
23 2-15-2201.

24 (4) "Health care facility" means a health care institution, private or public, including but not limited  
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28 provide health care in the ordinary course of business or practice of a profession. The term does not include  
29 a person who provides health care solely through the sale or dispensing of drugs or medical devices.

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2 systems and leave the infected person immunodeficient or neurologically impaired.

3 (7) "HIV-related condition" means a chronic disease resulting from infection with HIV, including  
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5 (8) "HIV-related test" means a test approved by the federal food and drug administration, including  
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7 HIV or antibodies to HIV.

8 (9) "Legal guardian" means a person appointed by a court to assume legal authority for another  
9 who has been found incapacitated or, in the case of a minor, a person who has legal custody of the minor.

10 (10) "Local board" means a county, city, city-county, or district board of health.

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12 the local board.

13 (12) "Next of kin" means an individual who is a parent, adult child, grandparent, adult sibling, or  
14 legal spouse of a person.

15 (13) "Person" means an individual, corporation, organization, or other legal entity.

16 (14) "Posttest counseling" means counseling, conducted at the time that the HIV-related test results  
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18 (15) "Pretest counseling" means the provision of counseling to the subject prior to conduct of an  
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20 (16) "Release of test results" means a written authorization for disclosure of HIV-related test results  
21 that:

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24 (b) specifies the nature of the information to be disclosed and to whom disclosure is authorized.

25 (17) "Significant other" means an individual living in a current spousal relationship with another  
26 individual but who is not legally a spouse of that individual.

27 (18) (a) "Written informed consent" means an agreement in writing that is freely executed by the  
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14 (b) The department shall develop an agreement form that may be used for purposes of this  
15 subsection (18)."

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17 **NEW SECTION. Section 2. Effective date.** [This act] is effective on passage and approval.

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(b) any other person who has been exposed to the test subject in a manner, voluntary or involuntary, that may allow HIV transmission in accordance with modes of transmission recognized by the centers for disease control of the United States public health service.

(3) "Department" means the department of public health and human services provided for in 2-15-2201.

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- (3) "Department" means the department of public health and human services provided for in 2-15-2201.
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