

AMENDMENTS TO LB285

Introduced by Health and Human Services.

1           1. Strike original sections 2 and 4 and insert the following new  
2 section:

3           Sec. 2. Section 71-531, Revised Statutes Cumulative Supplement,  
4 2016, is amended to read:

5           71-531 ~~(1)(a) No person may be tested for the presence of the human~~  
6 ~~immunodeficiency virus infection unless he or she has given written~~  
7 ~~informed consent for the performance of such test. The written informed~~  
8 ~~consent shall provide an explanation of human immunodeficiency virus~~  
9 ~~infection and the meaning of both positive and negative test results.~~

10           ~~(b) If a person signs a general consent form for the performance of~~  
11 ~~medical tests or procedures which informs the person that a test for the~~  
12 ~~presence of the human immunodeficiency virus infection may be performed~~  
13 ~~and that the person may refuse to have such test performed, the signing~~  
14 ~~of an additional consent for the specific purpose of consenting to a test~~  
15 ~~related to human immunodeficiency virus is not required during the time~~  
16 ~~in which the general consent form is in effect.~~

17           ~~(2) If a person is unable to provide consent, the person's legal~~  
18 ~~representative may provide consent. If the person's legal representative~~  
19 ~~cannot be located or is unavailable, a health care provider may authorize~~  
20 ~~the test when the test results are necessary for diagnostic purposes to~~  
21 ~~provide appropriate medical care.~~

22           ~~(1) (3) A person seeking a human immunodeficiency virus test shall~~  
23 ~~have the right to remain anonymous. If an anonymous test is requested, a~~  
24 ~~A health care provider shall confidentially refer such person to a site~~  
25 ~~which provides anonymous testing.~~

26           ~~(4) This section shall not apply to:~~

27           ~~(a) The performance by a health care provider or a health facility~~

1 ~~of a human immunodeficiency virus test when the health care provider or~~  
2 ~~health facility procures, processes, distributes, or uses a human body~~  
3 ~~part for a purpose specified under the Revised Uniform Anatomical Gift~~  
4 ~~Act and such test is necessary to assure medical acceptability of such~~  
5 ~~gift for the purposes intended;~~

6 ~~(2) When (b) The performance by a health care provider or a health~~  
7 ~~facility performs of a human immunodeficiency virus test when such test~~  
8 ~~is performed with the consent and written authorization of the person~~  
9 ~~being tested and such test is for insurance underwriting purposes,~~  
10 ~~written information about the human immunodeficiency virus is provided,~~  
11 ~~including, but not limited to, the identification and reduction of risks,~~  
12 ~~the person is informed of the result of such test, and when the result is~~  
13 ~~positive, the person being tested shall be is referred for posttest~~  
14 ~~treatment. counseling;~~

15 ~~(3) When (c) The performance of a human immunodeficiency virus test~~  
16 ~~is performed by licensed medical personnel of the Department of~~  
17 ~~Correctional Services on an individual when the subject of the test is~~  
18 ~~committed to such department, the . Posttest counseling shall be required~~  
19 ~~for the subject if the test is positive. A person committed to the~~  
20 ~~department Department of Correctional Services shall be informed by the~~  
21 ~~department (a) (i) if he or she is being tested for the human~~  
22 ~~immunodeficiency virus, (b) (ii) that education shall be provided to him~~  
23 ~~or her about the human immunodeficiency virus, including, but not limited~~  
24 ~~to, the identification and reduction of risks, and (c) (iii) of the test~~  
25 ~~result and the meaning of such result. Posttest counseling shall be~~  
26 ~~required for the subject of the test if such test is positive. ;~~

27 ~~(d) Human immunodeficiency virus home collection kits licensed by~~  
28 ~~the federal Food and Drug Administration; or~~

29 ~~(e) The performance of a human immunodeficiency virus test performed~~  
30 ~~pursuant to section 29-2290 or sections 71-507 to 71-513 or 71-514.01 to~~  
31 ~~71-514.05.~~

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2. Renumber the remaining section and amend the repealer
- 2 accordingly.