

**PROPOSED AMENDMENTS TO
SENATE BILL 1507**

1 On page 1 of the printed bill, delete lines 5 through 30.

2 On page 2, delete lines 1 through 31 and insert:

3 **“SECTION 1.** ORS 433.045 is amended to read:

4 **“433.045. (1) As used in this section:**

5 **“(a) ‘Health care provider’ means an individual licensed by a health**
6 **professional regulatory board, as that term is defined in ORS 676.160.**

7 **“(b) ‘HIV test’ means a test of an individual for the presence of**
8 **HIV, or for antibodies or antigens that result from HIV infection, or**
9 **for any other substance specifically indicating infection with HIV.**

10 **“(c) ‘Insurance producer’ has the meaning given that term in ORS**
11 **746.600.**

12 **“(d) ‘Insurance-support organization’ has the meaning given that**
13 **term in ORS 746.600.**

14 **“(e) ‘Insurer’ has the meaning given that term in ORS 731.106.**

15 **“[(1)] (2) Except as provided in [subsection (6) of this section and] ORS**
16 **433.017, 433.055 (3) and 433.080, [no person shall subject the blood of an indi-**
17 **vidual to an HIV test without first obtaining informed consent as described**
18 **in subsection (2) or (7) of this section] a health care provider or the**
19 **provider’s designee shall, before subjecting an individual to an HIV**
20 **test:**

21 **“(a) Notify the individual being tested; and**

22 **“(b) Allow the individual being tested the opportunity to decline the**

1 **test.**

2 “[*(2) A physician licensed under ORS chapter 677 shall comply with the*
3 *requirement of subsection (1) of this section through the procedure in ORS*
4 *677.097. Any other licensed health care provider or facility shall comply with*
5 *the requirement of subsection (1) of this section through a procedure substan-*
6 *tially similar to that specified in ORS 677.097. Any other person shall comply*
7 *with this requirement through use of such forms, procedures and educational*
8 *materials as the Oregon Health Authority shall specify.]*

9 **“(3) The notification and opportunity to decline testing required**
10 **under subsection (2) of this section may be verbal or in writing, and**
11 **may be contained in a general medical consent form.**

12 “[*(3)*] **(4)(a)** Regardless of the manner of receipt or the source of the in-
13 formation, including information received from the tested individual, [*no*
14 *person shall*] **a person may not** disclose or be compelled to disclose the
15 identity of any individual upon whom an HIV-related test is performed, or
16 the results of such a test in a manner [*which*] **that** permits identification of
17 the subject of the test, except as required or permitted by federal law, the
18 law of this state or any rule, including any authority rule considered neces-
19 sary for public health or health care purposes, or as authorized by the indi-
20 vidual whose blood is tested.

21 **“(b) This subsection does not apply to an individual acting in a**
22 **private capacity and not in an employment, occupational or profes-**
23 **sional capacity.**

24 “[*(4)*] **(5)** [*Any*] **A** person who complies with the requirements of this
25 section [*shall not be*] **is not** subject to an action for civil damages.

26 “[*(5) An HIV test shall be considered diagnosis of venereal disease for*
27 *purposes of ORS 109.610.*]

28 “[*(6) The authority shall prescribe by rule a procedure whereby an indi-*
29 *vidual who is housed in a state institution and is incapable of granting in-*
30 *formed consent for an HIV test may be tested.*]

1 “[(7)] **(6)** Whenever an insurer, insurance producer or insurance-support
2 organization asks an applicant for insurance to take an HIV test in con-
3 nection with an application for insurance, the *[use of such a test must be*
4 *revealed to the applicant and the written consent thereof obtained.]* **insurer,**
5 **insurance producer or insurance-support organization must reveal the**
6 **use of the test to the applicant and obtain the written consent of the**
7 **applicant.** The consent form *[shall]* **must** disclose the purpose of the test
8 and the persons to whom the results may be disclosed.

9 “[(8) *As used in this section:*]

10 “[(a) *‘HIV test’ means a test of an individual for the presence of human*
11 *immunodeficiency virus (HIV), or for antibodies or antigens that result from*
12 *HIV infection, or for any other substance specifically indicating infection with*
13 *HIV.*]

14 “[(b) *‘Person’ includes but is not limited to any health care provider, health*
15 *care facility, clinical laboratory, blood or sperm bank, insurer, insurance pro-*
16 *ducer, insurance-support organization, as defined in ORS 746.600, government*
17 *agency, employer, research organization or agent of any of them. For purposes*
18 *of subsection (3) of this section, ‘person’ does not include an individual acting*
19 *in a private capacity and not in an employment, occupational or professional*
20 *capacity.*]

21 “[(c) *‘State institution’ means all campuses of the Oregon State Hospital,*
22 *the Blue Mountain Recovery Center and the Eastern Oregon Training*
23 *Center.*]”.

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