

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	5 - 0 - 0
Yeas:	Bates, Kruse, Morrisette, Morse, Monnes Anderson
Nays:	0
Exc.:	0
Prepared By:	Robert Shook, Administrator
Meeting Dates:	2/5, 2/12

WHAT THE MEASURE DOES: Requires Department of Human Services to adopt procedures for authorizing HIV test of individuals in certain state institutions who are incapable of granting informed consent, and who are housed in a state institution.

ISSUES DISCUSSED:

- Definition of the term incapable
- Informed consent for other blood tests on individuals housed in a state institution
- State institution is defined as Oregon State Hospital, Blue Mountain Recovery Center, Eastern Oregon Training Center

EFFECT OF COMMITTEE AMENDMENT: Clarifies that the individual must be housed in a state institution, and is incapable of granting informed consent.

BACKGROUND: Current Oregon law (ORS 433.045) requires that persons residing in Oregon's state institutions; Oregon State Hospital, Blue Mountain Recovery Center, and Eastern Oregon Training Center, must give informed consent prior to having their blood tested for HIV. Some individuals residing in the state institutions are not capable of providing informed consent for this testing, and the Department of Human Services (DHS), currently has no procedure for obtaining the necessary informed consent.

SB 160 A requires that DHS prescribe by rule a procedure whereby an individual incapable of providing informed consent for an HIV test may be tested. Additionally, any person who complies with the requirements of this section shall not be subject to an action for civil damages.