

MAINE STATE LEGISLATURE

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AUGUSTA, MAINE

FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1490

H.P. 1099 House of Representatives, May 8, 1987
Submitted by the Department of Human Services pursuant to
Joint Rule 24.

Reference to the Committee on Human Resources suggested
and ordered printed.

EDWIN H. PERT, Clerk
Presented by Representative MARSANO of Belfast.
Cosponsored by Representatives DELLERT of Gardiner,
FARNUM of South Berwick and Senator BRANNIGAN of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

1 AN ACT Requiring that Informed Consent be
2 Given to those Persons Tested for the
3 Presence of Antibodies to HTLV-III.
4

5 Be it enacted by the People of the State of Maine as
6 follows:

7 Sec. 1. 5 MRSA §17001, sub-§5-A is enacted to
8 read:

9 5-A. Informed consent. "Informed consent" means
10 consent that is:

11 A. Based upon an actual understanding by the
12 person to be tested of the nature of the test,
13 the persons to whom the results of that test may
14 be disclosed, the purpose for which the test re-
15 sults may be used and all reasonably foreseeable

1 risks and benefits resulting from the test; and

2 B. Wholly voluntary and free from express or im-
3 plied coercion.

4 Sec. 2. 5 MRSA §17003-A is enacted to read:

5 §17003-A. Informed consent required

6 Except as provided in section 17003, subsection
7 4, no person may test for the presence of antibodies
8 to HTLV-III without first obtaining the informed con-
9 sent of the person to be tested.

10 STATEMENT OF FACT

11 This bill will provide the advantage of a full
12 understanding of the HIV antibody test to those per-
13 sons who have endeavored to learn their HTLV-III an-
14 tibody status. This bill also protects individuals
15 from being tested for antibodies to HTLV-III without
16 their knowledge. This bill continues the exemption
17 from the requirement for consent from organ donees
18 contained in the Maine Revised Statutes, Title 5,
19 section 17003, subsection 4. This bill was endorsed
20 by the Maine State AIDS Advisory Committee.

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