

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1990

Legislative Document

No. 6

S.P. 17

In Senate, December 5, 1990

Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 24.

Reference to the Committee on Business Legislation suggested and ordered printed.

A handwritten signature in cursive script, reading 'Joy J. O'Brien'.

JOY J. O'BRIEN
Secretary of the Senate

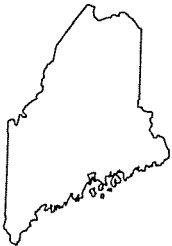
Presented by Senator GILL of Cumberland.
Cosponsored by Representative RYDELL of Brunswick.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

An Act to Restrict Disclosure of HIV Test Results.

(EMERGENCY)



2 **Emergency preamble.** Whereas, Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

4 Whereas, this legislation prohibits insurers from requesting
6 insurance applicants to reveal the results of prior testing for
the presence of antibodies to HIV; and

8 Whereas, these provisions were previously enacted in the
10 Maine Revised Statutes, Title 5, but were inadvertently repealed
on October 1, 1990; and

12 Whereas, in the judgment of the Legislature, these facts
14 create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
16 necessary for the preservation of the public peace, health and
safety; now, therefore,

18 **Be it enacted by the People of the State of Maine as follows:**

20 **Sec. 1. 5 MRSA §19204-C is enacted to read:**

22 **§19204-C. Restrictions upon revealing HIV antibody test results**

24 No insurer, nonprofit hospital or medical services
26 organization or nonprofit health care plan may request any person
28 to reveal whether the person has obtained a test for the presence
30 of antibodies to HIV or a test to measure the virus or to reveal
the results of such tests taken prior to an application for
insurance coverage.

32 **Sec. 2. 24 MRSA §2332-B, as enacted by PL 1989, c. 176, §1,**
is repealed and the following enacted in its place:

34 **§2332-B. Acquired Immune Deficiency Syndrome**

36 **1 Definitions.** As used in this section, "HIV" and
38 "antibody to HIV" have the same meanings as set out in Title 5,
section 19201.

40 **2. Prohibitions.** No individual or group hospital, medical
42 or health care service contract delivered or issued for delivery
44 in this State, other than a contract that provides benefits for
46 specific diseases or accidental injuries only, may provide more
48 restrictive coverage for Acquired Immune Deficiency Syndrome, or
AIDS, AIDS Related Complex, or ARC, HIV-related diseases or for
50 related services, than for any other disease or sickness, or
exclude coverage for AIDS, ARC or HIV-related diseases, except
through an exclusion under which all diseases and sicknesses are
treated equally.

52 **3. Test results.** No nonprofit hospital or medical
services organization or nonprofit health care plan may request

2 any person to reveal whether the person has obtained a test for
3 the presence of antibodies to HIV or a test to measure the virus
4 or to reveal the results of such tests taken prior to an
5 application for coverage.

6 **Sec. 3. 24-A MRSA §2159, sub-§§5 and 6** are enacted to read:

8 5. Definitions. As used in this section, "HIV" and
9 "antibody to HIV" have the same meanings as set out in Title 5,
10 section 19201.

12 6. Test results. No insurer may request any person to
13 reveal whether the person has obtained a test for the presence of
14 antibodies to HIV or a test to measure the virus or to reveal the
15 results of such tests taken prior to an application for insurance
16 coverage.

18 **Emergency clause.** In view of the emergency cited in the
19 preamble, this Act takes effect when approved.
20

22 **STATEMENT OF FACT**

24 This bill prohibits insurers from requesting insurance
25 applicants to reveal the results of prior testing for the
26 presence of HIV. A similar provision contained in the Maine
27 Revised Statutes, Title 5 was inadvertently repealed on October
28 1, 1990. The provision is replaced in Title 5 and added to the
Maine Insurance Code for purposes of clarification.