

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

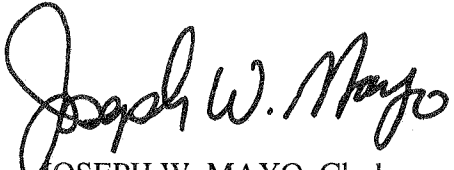
No. 1511

H.P. 1074

House of Representatives, March 13, 1997

**An Act to Prohibit Lawsuits Based on Disclosure of the HIV or AIDS
Status of Health Care Practitioners.**

Reference to the Committee on Judiciary suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative MITCHELL of Portland.
Cosponsored by Representatives: BROOKS of Winterport, FULLER of Manchester,
POWERS of Rockport, QUINT of Portland, THOMPSON of Naples.

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

4 **Sec. 1. 14 MRSA §158-B is enacted to read:**

6 **§158-B. Immunity when health care practitioners have HIV, ARC
or AIDS**

8 A health care practitioner, as defined in Title 22, section
10 2084, subsection 4, or the estate of a health care practitioner,
12 is immune from civil liability for the intentional, reckless or
14 negligent infliction of emotional distress caused by the
16 disclosure or the failure to disclose that the health care
18 practitioner was infected with Human Immunodeficiency Virus (HIV)
20 or had Acquired Immune Deficiency Syndrome (AIDS), AIDS Related
22 Complex (ARC) or HIV-related diseases.

24 **SUMMARY**

26 This bill provides immunity from civil liability for emotional distress caused by the disclosure or the failure to disclose that a health care practitioner was infected with HIV or had AIDS. The immunity from civil liability applies to all persons who provide health care services under Maine laws and the estates of all such persons.