

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 531

H.P. 375

House of Representatives, February 9, 2017

**An Act Regarding the Drug Crisis and Ensuring Access to HIV
Testing**

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative FECTEAU of Biddeford.
Cosponsored by Senator GRATWICK of Penobscot and
Representatives: ALLEY of Beals, MADIGAN of Waterville.

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

2 **Sec. 1. 5 MRSA §19203-G** is enacted to read:

3 **§19203-G. HIV test offer required**

4 A person 13 years of age or older who is receiving health care services in a hospital
5 or from a primary care provider licensed in this State must be offered an HIV test unless
6 the person is being treated for a life-threatening emergency, has previously been offered
7 or been the subject of an HIV test or in the opinion of the provider lacks the capacity to
8 provide informed consent to an HIV test. As used in this section, "primary care provider"
9 means an osteopathic or allopathic physician or physician assistant or nurse practitioner
10 licensed under Title 32 who provides health care in a primary care setting.

11 This section is repealed January 1, 2030.

12 **SUMMARY**

13 This bill requires a person 13 years of age or older who is receiving medical services
14 in a hospital or from a primary care provider to be offered an HIV test unless that person
15 is being treated for a life-threatening emergency, has previously been offered or been the
16 subject of an HIV test or lacks the capacity to provide informed consent to an HIV test.
17 This requirement is repealed January 1, 2030.