

CHAPTER XI: HIV DISEASE

Disclaimer: The information contained in this chapter is not intended to be used as legal advice. Please refer to the most current specific state statutes and your own legal counsel when warranted. Some statutes may be referred to throughout this chapter.

MAINE HIV LAWS:

Over the past decade, the Maine legislature has passed a series of bills designed to protect the privacy and rights of persons who have been tested for the human immune deficiency virus, or HIV. Exhibit 11-1 contains Maine's HIV law (5 MRSA, Part 23, Chapter 501), including all revisions up to and including those of April 1996.

The most recent significant amendment to Chapter 501 (P.L. 404, enacted July 3, 1995) added the definition of "HIV infection status". The amendment also gave non-health care workers the ability to petition for judicial consent to HIV testing in the case of a bona fide occupational exposure. Other revisions contained in the 1995 act include:

- Expansion of several other definitions;
- Clarification of the requirement for informed consent for repeat testing;
- Specifics covering occupational exposure;
- Minor wording changes throughout;
- Requirement for a signed waiver when counseling is declined;
- Expansion of topics to be covered in counseling, and;
- Deletion of the term "AIDS-related complex"

HIV ADVISORY COMMITTEE

The Maine HIV Advisory Committee (formerly the Committee to Advise the Department of Human Services on AIDS) was established in 1989 to advise state agencies on issues related to HIV. Committee members are appointed by the Governor from nominees submitted by a variety of associations and agencies with an interest in HIV. The 1995 amendments revised and expanded the committee's membership. Representatives from "interested parties" are also encouraged to participate in the meetings and to serve on subcommittees. The Maine Health Information Management Association has maintained active involvement as one of those interested parties.