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2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. SEMINERIO -- read once and referred to the
Committee on Health

AN ACT to amend the public health law, in relation to limiting the
spread of acquired immune deficiency syndrome and human immunodeficiency virus infection

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Paragraph (h) of subdivision 5 of section 225 of the public
2 health law, such subdivision as renumbered by chapter 626 of the laws of
3 1971, is amended to read as follows:
4 (h) designate the communicable diseases which are dangerous to the
5 public health, NOTWITHSTANDING ANY PROVISION OF LAW, RULE, REGULATION,
6 CODE OR ORDINANCE TO THE CONTRARY, ACQUIRED IMMUNE DEFICIENCY SYNDROME
7 (AIDS) AND HUMAN IMMUNODEFICIENCY VIRUS INFECTION (HIV) SHALL BE DESIGNATED
8 AS A COMMUNICABLE DISEASE STATEWIDE AND THE PUBLIC HEALTH COUNCIL
9 SHALL ESTABLISH REGULATIONS TO LIMIT THE SPREAD OF SUCH DISEASES;
10 S 2. Section 2306 of the public health law, as amended by chapter 512
11 of the laws of 1992, is amended to read as follows:
12 S 2306. Sexually transmissible diseases; reports and information,
13 confidential. All reports or information secured by a board of health or
14 health officer under the provisions of this article shall be confidential
15 except in so far as is necessary to carry out the purposes of this
16 article. THE DEPARTMENT, WHEN NOTIFIED OF A CASE OF HUMAN IMMUNODEFICIENCY
17 VIRUS INFECTION (HIV) AS CONFIRMED BY REPEATED ENZYME IMMUNO-ASSAY
18 (EIA) AND A POSITIVE WESTERN BLOT TEST, SHALL INVOKE ALL NECESSARY
19 PUBLIC HEALTH PROCEDURES AND REGULATIONS FOR CONTROLLING SEXUALLY TRANSMISSIBLE
20 DISEASES, INCLUDING BUT NOT LIMITED TO IDENTIFICATION OF PAST
21 CONTACTS AND COUNSELING OF FAMILY MEMBERS. ALL REPORTS AND INFORMATION
22 SECURED PURSUANT TO THIS CHAPTER CONCERNING PERSONS INFECTED WITH
23 ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) OR HUMAN IMMUNODEFICIENCY

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 VIRUS INFECTION (HIV) SHALL BE CONFIDENTIAL AND USED SOLELY FOR THE
2 PURPOSE OF CONTROLLING THE SPREAD OF SUCH DISEASES. Such report or
3 information may be disclosed by court order in a criminal proceeding in
4 which it is otherwise admissible or in a proceeding pursuant to article
5 ten of the family court act in which it is otherwise admissible, to the
6 prosecution and to the defense, or in a proceeding pursuant to article
7 ten of the family court act in which it is otherwise admissible, to the
8 petitioner, respondent and law guardian, provided that the subject of
9 the report or information has waived the confidentiality provided for by
10 this section. A person waives the confidentiality provided for by this
11 section if such person voluntarily discloses or consents to disclosure
12 of such report or information or a portion thereof. If such person lacks
13 the capacity to consent to such a waiver, his or her parent, guardian or
14 law guardian may so consent. An order directing disclosure pursuant to
15 this section shall specify that no report or information shall be
16 disclosed pursuant to such order which identifies or relates to any
17 person other than the subject of the report or information.

18 S 3. Section 2311 of the public health law, as added by chapter 878 of
19 the laws of 1980, is amended to read as follows:

20 S 2311. Sexually transmissible disease list. The commissioner shall
21 promulgate a list of sexually transmissible diseases, such as gonorrhea
22 [and], syphilis, ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) AND HUMAN
23 IMMUNODEFICIENCY VIRUS INFECTION (HIV), for the purposes of this arti-
24 cle. The commissioner, in determining the diseases to be included in
25 such list, shall consider those conditions principally transmitted by
26 sexual contact and the impact of particular diseases on individual
27 morbidity and the health of newborns.

28 S 4. This act shall take effect on the one hundred eightieth day after
29 it shall have become a law, provided however, that effective immediate-
30 ly, the addition, amendment and/or repeal of any rule or regulation
31 necessary for the implementation of the foregoing sections of this act
32 on their effective date are authorized and directed to be made and
33 completed on or before such effective date.