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S.B. 275
134th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Sen. Antani

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SUMMARY

- Eliminates a provision that authorizes HIV testing only if necessary to provide diagnosis and treatment of an individual.
- Instead, authorizes HIV testing if the individual, or the individual's parent or guardian, has given general consent for care and has been notified that the test is planned and that the individual may refuse.
- Eliminates a requirement that individuals be notified of the right to an anonymous HIV test, but retains the right to anonymous testing.

DETAILED ANALYSIS

HIV testing and consent

The bill makes several changes to facilitate routine HIV testing. It eliminates a provision in current law that authorizes a health care provider to perform an HIV test only if necessary to provide diagnosis and treatment to the individual to be tested. Instead, the bill authorizes a health care provider to perform an HIV test (1) if the individual, or the individual's parent or guardian, has given general consent to treatment and (2) if the health care provider, or the provider's authorized representative, has notified the individual that the test is planned and that the individual has a right to refuse it. The notification may be verbal or written, in person or electronic, or any combination.¹

Consent for medical or other health care treatment is required under current law before an HIV test may be performed, but the bill clarifies that the consent is *general* consent for that treatment. The bill provides that if an individual or a parent or guardian has given general

¹ R.C. 3701.242(A).

consent for care, no additional consent is required for HIV testing, so long as notice of the test and the right to refuse was provided as required by the bill. If an individual refuses the test, it must be noted in the individual's medical record.²

The bill eliminates a requirement that individuals be notified of the right to an anonymous test, but retains the right to such a test.³

The bill does not change other existing provisions regarding HIV testing, including those that permit a minor to consent to an HIV test and that require post-test counseling for individuals that test positive.⁴

HISTORY

Action	Date
Introduced	12-14-21

S0275-I-134/ks

² *Id.*

³ R.C. 3701.242(D).

⁴ R.C. 3701.242(B) through (E).