**Section 470.40 Testing Requirements**

a) *All donors of semen for purposes of artificial insemination, or donors of corneas, bones, organs, or other human tissue for the purpose of injecting, transfusing or transplanting any of them in the human body* except for autologous injections, transfusions and transplantations, *shall be tested* by the potential donor's attending physician or by the Sperm Bank or Tissue Bank *for evidence of exposure to human immunodeficiency virus (HIV) and any other identified causative agent of acquired immunodeficiency syndrome (AIDS) at the time of or after the donation, but prior to the semen, corneas, bones, organs, or other human tissue being made available for such use*.

1) All potential donors or Legally Authorized Representative shall receive the HIV pre-test information set forth in 77 Ill. Adm. Code 697.110(a) and be given the opportunity to refuse HIV testing. However, the written informed consent provisions of 77 Ill. Adm. Code 697.120 are not required.

2) If permission for HIV testing is not given, then the person shall not be accepted as a donor.

3) The results of HIV testing shall be disclosed in accordance with the applicable provisions of 77 Ill. Adm. Code 250, 77 Ill. Adm. Code 450, 77 Ill. Adm. Code 460, 77 Ill. Adm. Code 697 and 77 Ill. Adm. Code 470.

4) The results of HIV testing shall be kept confidential in accordance with the provisions of 77 Ill. Adm. Code 697.140.

5) The donated semen, organs or other human tissue shall be disposed of in accordance with the provisions of Section 470.70 of this Part.

b) *When in the opinion of the attending physician the life of a recipient of a bone, organ or other human tissue donation would be jeopardized by delays caused by testing for evidence for exposure to HIV and any other causative agent of AIDS, testing shall not be required*. (Section 55.45 (d) of the Act.) The attending physician must provide this opinion in writing and a copy must be retained by the Tissue Bank for five years.

c) *Written informed consent is not required for a health care provider or health facility to perform a HIV test when the health care provider or health care facility procures, processes,* stores, *distributes or uses a human body part donated for a purpose specified under the Uniform Anatomical Gift Act, or semen provided prior to September 21, 1987 for the purpose of artificial insemination, and such a HIV test is necessary to assure medical acceptability of such gift or semen for the purposes intended*. (Section 7 of the AIDS Confidentiality Act, Ill. Rev. Stat. 1987, ch. 111½, par. 7307).

d) The physician or Sperm Bank or Tissue Bank that performs the HIV testing shall confidentially inform the donor of the test results and provide whatever counseling or referral services are necessary. (Section 7 of the AIDS Confidentiality Act, Ill. Rev. Stat. 1987, ch. 111½, par. 7307).