

1 AN ACT concerning public health.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The AIDS Confidentiality Act is amended by  
5 changing Section 7 as follows:

6 (410 ILCS 305/7) (from Ch. 111 1/2, par. 7307)

7 Sec. 7. (a) Notwithstanding the provisions of Sections 4, 5  
8 and 6 of this Act, written informed consent is not required for  
9 a health care provider or health facility to perform a test  
10 when the health care provider or health facility procures,  
11 processes, distributes or uses a human body part donated for a  
12 purpose specified under the Illinois Anatomical Gift Act, or  
13 semen provided prior to the effective date of this Act for the  
14 purpose of artificial insemination, and such a test is  
15 necessary to assure medical acceptability of such gift or semen  
16 for the purposes intended.

17 (b) Written informed consent is not required for a health  
18 care provider or health facility to perform a test when a  
19 health care provider or employee of a health facility, or a  
20 firefighter or an EMT-A, EMT-I or EMT-P, is involved in an  
21 accidental direct skin or mucous membrane contact with the  
22 blood or bodily fluids of an individual which is of a nature  
23 that may transmit HIV, as determined by a physician in his  
24 medical judgment. Should such test prove to be positive, the  
25 patient and the health care provider, health facility employee,  
26 firefighter, EMT-A, EMT-I, or EMT-P shall be provided  
27 appropriate counseling consistent with this Act.

28 (c) Written informed consent is not required for a health  
29 care provider or health facility to perform a test when a law  
30 enforcement officer is involved in the line of duty in a direct  
31 skin or mucous membrane contact with the blood or bodily fluids  
32 of an individual which is of a nature that may transmit HIV, as

1 determined by a physician in his medical judgment. When the  
2 physician determines that a law enforcement officer in the line  
3 of duty has experienced a direct skin or mucous membrane  
4 contact with the blood or bodily fluids of an individual which  
5 is of a nature that may transmit HIV, the individual shall  
6 submit, upon the request of that law enforcement officer, to a  
7 test of blood or other bodily fluids to detect the presence of  
8 HIV. Should such test prove to be positive, the patient shall  
9 be provided appropriate counseling consistent with this Act.  
10 For purposes of this subsection (c), "law enforcement officer"  
11 means any person employed by the State, a county or a  
12 municipality as a policeman, peace officer, auxiliary  
13 policeman, correctional officer or in some like position  
14 involving the enforcement of the law and protection of the  
15 public interest at the risk of that person's life.

16 (Source: P.A. 93-794, eff. 7-22-04.)