

64-13-36 Testing of prisoners for AIDS and HIV infection -- Medical care -- Department authority.

- (1) As used in this section:
 - (a) "Prisoner" means a person who has been adjudicated and found guilty of a criminal offense and who is in the custody of and under the jurisdiction of the department.
 - (b) "Test" or "testing" means a test or tests for Acquired Immunodeficiency Syndrome or Human Immunodeficiency Virus infection in accordance with standards recommended by the state Department of Health.
- (2)
 - (a) Within 90 days after July 1, 1989, the effective date of this act, the department shall test or provide for testing of all prisoners who are under the jurisdiction of the department, and subsequently test or provide for testing of all prisoners who are committed to the jurisdiction of the department upon admission or within a reasonable period after admission.
 - (b) At the time test results are provided to persons tested, the department shall provide education and counseling regarding Acquired Immunodeficiency Syndrome and Human Immunodeficiency Virus infection.
- (3)
 - (a) The results of tests conducted under Subsection (2) become part of the inmate's medical file, accessible only to persons designated by department rule and in accordance with any other legal requirement for reporting of Acquired Immunodeficiency Syndrome or Human Immunodeficiency Virus infection.
 - (b) Medical and epidemiological information regarding results of tests conducted under Subsection (2) shall be provided to the state Department of Health.
- (4) The department has authority to take action as medically indicated with regard to any prisoner who has tested positive for Acquired Immunodeficiency Syndrome or Human Immunodeficiency Virus infection.
- (5) Prisoners who test positive for Acquired Immunodeficiency Syndrome or Human Immunodeficiency Virus infection may not be excluded from common areas of the prison that are accessible to other prisoners solely on the basis of that condition, unless medically necessary for protection of the general prison population or staff.

Amended by Chapter 12, 1994 General Session

Amended by Chapter 148, 1994 General Session