
Arkansas Law Regarding HIV And AIDS

The following is a synopsis of Arkansas law related to HIV and AIDS. Individuals needing further interpretation or reference to other laws which may be applicable in certain circumstances should consult an attorney.

ACT 96 of 1913

Established the Arkansas State Board of Health and conferred to it the authority to adopt rules and regulations for the suppression and prevention of infectious, contagious and communicable diseases. The act allows that these rules and regulations extend to reporting of certain diseases; determines that non-compliance with rules, regulations or orders to be a misdemeanor punishable for each incident by not less than ten dollars or more than one hundred dollars and/or thirty days in jail or both. In 1988, HIV and AIDS were determined to be reportable conditions under state rules and regulations.

ACT 614 of 1989

Established that any person who has tested HIV positive and who exposes another person to the virus through parenteral transfer of blood or blood products or who engages in sexual penetration with another person without first having informed that person of the presence of HIV shall have committed a Class A felony. Additionally, the act allows judges to order HIV testing, based upon reasonable cause, for persons charged with certain sexual offenses. The act also required physicians to report to the Department of Health all patients determined to have AIDS or to have tested HIV-positive. Establishes confidentiality restrictions on the Department for all information and reports made in connection with persons determined to have AIDS or to be HIV-positive.

ACT 413 of 1989

Requires any HIV-infected person to advise physicians and dentists of their HIV status prior to receiving any health care services. Establishes that any person failing to comply with this act shall be guilty of a Class A misdemeanor.

ACT 289 of 1991

"The HIV Shield Law" provides that informed consent is not required for HIV testing of a patient when, in the judgement of a physician, a health care provider has been exposed to bodily fluids of a nature that may transmit HIV. The act requires that in such instances, appropriate counseling and test results be provided to the health care provider and the patient. Also, informed consent for HIV testing is not required when a patient has otherwise provided his or her consent for treatment and when in the judgement of the physician, such testing is indicated to provide appropriate diagnosis. Additionally, health care providers or facilities may not deny appropriate care to a patient based upon the results of an HIV test.

ACT 575 of 1991

Requires that companies that collect blood products for purposes of resale or distribution shall completely test all blood for the presence of HIV (including the performance of confirmatory testing with a test such as the Immunofluorescence Assay (IFA) or Western

ARKANSAS DEPARTMENT OF HEALTH
Bureau of Public Health Programs
AIDS/STD Division

Patient's Acknowledgment of Counseling of Positive HIV Status

I understand that I have tested positive for HIV (the Human Immunodeficiency Virus). I understand that infection with this virus can lead to AIDS and that the positive HIV test does not necessarily mean that I currently have AIDS.

I understand that, being HIV positive, I should not donate blood, blood products (blood, plasma or bone marrow) or my organs.


I understand that I should inform my sex partner(s) of my HIV positive status.

I understand that in Arkansas it is a felony to have sex without informing my partner of my HIV positive status BEFORE engaging in any type of sexual activity.

I understand that I should have only protected intercourse (latex condom used) regardless of my partner's HIV status, to prevent new HIV infection with a different strain of the virus.

I understand that the sharing of or use of needles for drug injection can spread HIV. If I were to use needles, I understand that I should not share or reuse those needles.

I have received copies of Acts 614, 413 and a synopsis of Arkansas Law regarding HIV and AIDS.


Patient Signature


Date


Witness


Date