

SB 929 (Ford/Ronen)

***Landmark HIV Testing Bill Preserves Informed Consent, Pre-Test Counseling;
Complies with CDC Guidelines for Routine HIV Testing***

The AIDS Foundation of Chicago supports SB 929 (formerly HB 980), sponsored by Rep. LaShawn K. Ford (D-Chicago) and Sen. Carol Ronen (D-Chicago). The compromise preserves important patient protections for HIV testing while fulfilling the U.S. Centers for Disease Control and Prevention's (CDC) call for streamlined, routine HIV testing. The Bill passed the Senate and House unanimously and awaits the Governor's signature.

Highlights of the proposal include:

- **Pre-test information required:** Consistent with CDC recommendations and current Illinois law, healthcare providers must provide brief pre-test information to patients about HIV and the meaning of test results. Information may be supplied in writing, verbally, by video, or other means.
- **Providers may test patients for HIV only with the patient's knowledge and informed consent.** Consistent with CDC, Amendment 3 preserves the requirement for informed consent for HIV testing. Providers can decide if they want to ask patients to consent to HIV testing in writing or verbally. Providers must document informed consent in the patient's medical chart.
- **A patient's verbal consent is sufficient to receive HIV testing:** Departing from current law, the proposal would follow CDC recommendations to allow patients to give their informed consent verbally or in writing. The consent must be documented by the healthcare provider.
- **A separate HIV testing consent form is not required:** Consistent with CDC recommendations, doctors may ask patients to sign consent forms that include both general medical care and HIV testing.
- **Opt-out testing allowed:** Consistent with CDC recommendations, the proposal allows doctors to perform opt-out HIV testing. Providers must tell patients in writing or verbally that they will be tested for HIV unless they refuse. Providers must tell patients how to refuse testing and may not force patients to receive HIV testing.
- **Other provisions:** Providers must deliver HIV-positive test results to patients in person, and offer referrals to HIV medical care and counseling; financial damages for violations of the AIDS Confidentiality Act are doubled to \$2,000 and \$10,000; and IDPH must lead implementation efforts.

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