

House Bill 8

By: Representative Parham of the 122nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 22 of Title 31 of the Official Code of Georgia Annotated, relating to
2 clinical laboratories, so as to transfer from the Department of Human Resources to the
3 Department of Community Health certain functions, duties, and powers regarding such
4 laboratories; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Chapter 22 of Title 31 of the Official Code of Georgia Annotated, relating to clinical
8 laboratories, is amended by striking paragraph (1) of Code Section 31-22-1, relating to
9 definitions, and inserting in its place the following:

10 "(1) 'Board' means the Board of ~~Human Resources~~ Community Health."

11 **SECTION 2.**

12 Said chapter is further amended by adding between paragraphs (2) and (3) of Code Section
13 31-22-1, relating to definitions, a new paragraph to read as follows:

14 "(2.1) 'Department' means the Department of Community Health, notwithstanding the
15 provisions of Code Section 31-1-1."

16 **SECTION 3.**

17 Said chapter is further amended by striking subsection (b) of Code Section 31-22-2, relating
18 to licenses, and inserting in its place the following:

19 "(b) Application for licenses shall be made to the Department of ~~Human Resources~~
20 Community Health on forms prescribed by it. The application shall indicate the categories
21 of procedures to be performed and shall contain such additional information as the
22 department may require. Each application shall be accompanied by a nonrefundable fee
23 prescribed by the department."

SECTION 4.

Said chapter is further amended by striking paragraph (6) of subsection (a) of Code Section 31-22-9.1, relating to performance of HIV tests, and inserting in its place the following:

"(6) 'Counseling' means providing the person with information and explanations medically appropriate for that person which may include all or part of the following: accurate information regarding AIDS and HIV; an explanation of behaviors that reduce the risk of transmitting AIDS and HIV; an explanation of the confidentiality of information relating to AIDS diagnoses and HIV tests; an explanation of information regarding both social and medical implications of HIV tests; and disclosure of commonly recognized treatment or treatments for AIDS and HIV. The Department of ~~Human Resources~~ Community Health shall develop brochures or other documents which meet the requirements of this paragraph and, upon delivery of such a brochure or document or of another brochure or document approved by the Department of ~~Human Resources~~ Community Health to the person and referral of that person to the Department of ~~Human Resources~~ Community Health for further information and explanations, counseling shall be deemed to have been provided within the meaning of this paragraph."

SECTION 5.

Said chapter is further amended by striking subsection (f) of Code Section 31-22-9.2, relating to reporting of HIV test results, and inserting in its place the following:

"(f) The provisions of this Code section shall not apply to situations in which an HIV test is ordered or required in connection with insurance coverage, provided that the person to be tested or the appropriate representative of that person has agreed to have the test administered under such procedures as may be established by the Commissioner of Insurance after consultation with the Department of ~~Human Resources~~ Community Health."

SECTION 6.

All laws and parts of laws in conflict with this Act are repealed.