

House Bill 119

By: Representatives Reeves of the 34<sup>th</sup>, Willard of the 51<sup>st</sup>, Fleming of the 121<sup>st</sup>, and Mabra of the 63<sup>rd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 24-12-21 of the Official Code of Georgia Annotated, relating to  
2 disclosure of AIDS confidential information, so as to change provisions relating to disclosure  
3 of such information under certain circumstances; to provide for procedure; to provide for  
4 related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Code Section 24-12-21 of the Official Code of Georgia Annotated, relating to disclosure of  
8 AIDS confidential information, is amended by revising subsection (s) as follows:

9 "(s) AIDS confidential information shall be disclosed as medical information pursuant to  
10 Code Section 24-12-1 or pursuant to any other law which authorizes or requires the  
11 disclosure of medical information if:

12 (1) The person identified by that information:

13 (A) Has consented in writing to that disclosure; or

14 (B) Has been notified of the request for disclosure of that information at least ten days  
15 prior to the time the disclosure is to be made and does not object to such disclosure  
16 prior to the time specified for that disclosure in that notice; or

17 (C) Is suspected of being mentally ill and is the subject of an order issued pursuant to  
18 Code Section 37-3-41 when the court issuing such order finds in an in camera hearing  
19 by clear and convincing evidence a compelling need for the information which cannot  
20 be accommodated by other means. In assessing compelling need, the court shall weigh  
21 the public health, safety, or welfare needs or any other public or private need for the  
22 disclosure against the privacy interest of the person identified by the information and  
23 the public interest which may be disserved by disclosures which may deter voluntary  
24 HIV tests. If the court determines that disclosure of that information is authorized  
25 under this subparagraph, the court shall order that disclosure and impose appropriate

26 safeguards against any unauthorized disclosure. The records of that hearing otherwise  
27 shall be under seal; or

28 (2) A superior court in an in camera hearing finds by clear and convincing evidence a  
29 compelling need for the information which cannot be accommodated by other means. In  
30 assessing compelling need, the court shall weigh the public health, safety, or welfare  
31 needs or any other public or private need for the disclosure against the privacy interest  
32 of the person identified by the information and the public interest which may be disserved  
33 by disclosures which may deter voluntary HIV tests. If the court determines that  
34 disclosure of that information is authorized under this paragraph, the court shall order that  
35 disclosure and impose appropriate safeguards against any unauthorized disclosure. The  
36 records of that hearing otherwise shall be under seal."

37 **SECTION 2.**

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