

WITHDRAWN

Senator Unterman of the 45th offers the following amendment:

1

2 *Amend the Senate substitute to HB 436 (LC 33 6147S) by replacing "To amend" with "To*
3 *revise statutory provisions relating to HIV; to amend" on line 1.*

4 *By inserting after "woman;" on line 4 the following:*

5 to amend Code Section 24-12-21 of the Official Code of Georgia Annotated, relating to
6 disclosure of AIDS confidential information, so as to change provisions relating to disclosure
7 of such information under certain circumstances; to provide for procedure;

8 *By inserting between lines 45 and 46 the following:*

9

SECTION 1A.

10 Code Section 24-12-21 of the Official Code of Georgia Annotated, relating to disclosure of
11 AIDS confidential information, is amended in paragraph (1) of subsection (s) by deleting
12 "or" at the end of subparagraph (A) and adding a new subparagraph (C) to read as follows:

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