

CHAPTER 584

S.9265-A

HUMAN IMMUNODEFICIENCY VIRUS AND AIDS RELATED INFORMATION—
CONFIDENTIALITY

Approved Sept. 1, 1988, effective as provided in section 6

Message of necessity, pursuant to Art. III, sec. 14, of Const.

AN ACT to amend the public health law, the insurance law and the social services law, in relation to testing for the human immunodeficiency virus and to the confidentiality of information and records related to human immunodeficiency virus infection and acquired immune deficiency syndrome

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

NY PUB HEALTH § 2780, note

§ 1. Legislative intent. The legislature recognizes that maximum confidentiality protection for information related to human immunodeficiency virus (HIV) infection and acquired immune deficiency syndrome (AIDS) is an essential public health measure. In order to retain the full trust and confidence of persons at risk, the state has an interest both in assuring that HIV related information is not improperly disclosed and in having clear and certain rules for the disclosure of such information. By providing additional protection of the confidentiality of HIV related information, the legislature intends to encourage the expansion of voluntary confidential testing for the human immunodeficiency virus (HIV) so that individuals may come forward, learn their health status, make decisions regarding the appropriate treatment, and change the behavior that puts them and others at risk of infection.

The legislature also recognizes that strong confidentiality protections can limit the risk of discrimination and the harm to an individual's interest in privacy that unauthorized disclosure of HIV related information can cause. It is the intent of the legislature that exceptions to the general rule of confidentiality of HIV related information be strictly construed.

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CONFIDENTIALITY, 1988 N.Y. Sess. Law Serv. 584 (McKinney)