

By Senator Dawson

30-60-00

1                                   A bill to be entitled  
2           An act relating to the testing of inmates for  
3           HIV; creating s. 944.6025, F.S.; defining the  
4           term "HIV test"; requiring the Department of  
5           Corrections to perform an HIV test on inmates  
6           following commitment to a correctional facility  
7           and at the request of a physician; requiring  
8           that such a test be performed before an inmate  
9           is released; requiring that the department  
10          provide additional services prior to an  
11          inmate's release; requiring that the Department  
12          of Corrections notify the county health  
13          department where the inmate will reside when an  
14          inmate who has received a positive HIV test  
15          result is released unexpectedly; providing an  
16          effective date.

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18           WHEREAS, HIV and AIDS infections are one of the state's  
19          most critical challenges, with Florida having the third  
20          highest number of AIDS cases in the nation and the second  
21          highest number of pediatric AIDS cases, and

22           WHEREAS, the prevalence of HIV and AIDS cases in the  
23          state's prisons exceed the prevalence of HIV and AIDS in the  
24          general population, and

25           WHEREAS, between 1989 and 1997, death due to AIDS  
26          accounted for over half of inmate deaths in the state's  
27          prisons, and

28           WHEREAS, recent advances in treatment for HIV and AIDS  
29          can potentially reduce the number of opportunistic infections  
30          and associated medical costs and delay the onset of death due  
31          to the disease, and

1           WHEREAS, referral to appropriate medical and social  
2 services upon the release of an inmate can play a crucial role  
3 in the treatment, care, and secondary prevention efforts, NOW  
4 THEREFORE,

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6 Be It Enacted by the Legislature of the State of Florida:

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8           Section 1. Section 944.6025, Florida Statutes, is  
9 created to read:

10           944.6025 HIV testing of inmates.--

11           (1) As used in this section, the term "HIV test" means  
12 a test ordered to determine the presence of the antibody or  
13 antigen to human immunodeficiency virus or the presence of  
14 human immunodeficiency virus infection.

15           (2)(a) Within 30 days following the commitment of an  
16 inmate to a correctional facility, the Department of  
17 Corrections shall perform an HIV test on the inmate and record  
18 the result of the HIV test in the inmate's medical record.

19           (b) The department shall also perform an HIV test on  
20 an inmate upon the request of a physician.

21           (3) The department shall perform an HIV test on an  
22 inmate before the inmate is released by reason of parole,  
23 accumulation of gain-time allowances, or expiration of  
24 sentence, unless the inmate has undergone an HIV test within  
25 the previous 60 days. The department shall record the results  
26 of the HIV test in the inmate's medical record.

27           (4) Prior to the release of an inmate who has received  
28 a positive HIV test result, the department shall provide  
29 special transitional assistance to the inmate, which includes:

1           (a) Education on preventing the transmission of HIV  
2 and on the importance of receiving follow-up care and  
3 treatment.

4           (b) A written, individualized discharge plan that  
5 links the inmate to local HIV primary care services in the  
6 area where the inmate will reside.

7           (c) If appropriate, a 30-day supply of all medicines  
8 the inmate is taking at the time of release.

9           (5) If an inmate who has received a positive HIV test  
10 result is released pursuant to an emergency court order or  
11 other unexpected action, the department shall immediately  
12 notify the county health department in the county where the  
13 inmate will reside following release in order to ensure the  
14 continuance of care and other services.

15           Section 2. This act shall take effect July 1, 2000.

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18           SENATE SUMMARY

19           Requires that the Department of Corrections perform an  
20           HIV test within 30 days following an inmate's commitment  
21           to a correctional facility. Requires that such a test be  
22           performed within 60 days before an inmate is released.  
23           Requires that an inmate who has received a positive HIV  
24           test be provided with educational services, a discharge  
25           plan, and medications prior to release. Requires the  
26           Department of Corrections to notify the county health  
27           department where the inmate will reside when an inmate  
28           who has received a positive HIV test result is released  
29           pursuant to an emergency order or other unexpected  
30           action.  
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