

/*Massachussetts has established an AIDS advisory panel, a Fund, and testing laws. Non-reusable syringes are mandated. */

35K. There shall be established and set up on the books of the commonwealth a separate fund, to be administered by the commissioner of public health as provided in sections two D to two F, inclusive, of chapter one hundred and eleven, to be known as the Massachusetts AIDS Fund Said fund shall consist of all revenues received by the commonwealth under the provisions of section six G of chapter sixty-two, from public and private sources as appropriations, gifts, grants, and donations, and from the federal government as reimbursements, grants-in-aid or other receipts, to further the purposes of said fund as set out in section two E of said chapter one hundred and eleven. All revenues credited to said fund under this section shall remain in said fund, not subject to appropriation, for application to said purposes. The state treasurer shall not deposit revenues in or transfer said revenues to the general fund or any other fund other than the Massachusetts AIDS fund. The state treasurer shall deposit monies in said fund in accordance with the provisions of sections thirty-four and thirty-four A of chapter twenty-nine in such manner as will acquire the highest interest rate available consistent with safety of the fund and with the requirement that all amounts on deposit be available for immediate withdrawal at any time. Said fund shall be expended only for the purpose stated in section two E of chapter one hundred and eleven at the direction of the commissioner of public health, and any unexpended balances shall be redeposited, as herein provided, for further use consistent with this section.

Expenditures from the fund may be made in accordance with the provisions of section two E of chapter one hundred and eleven.

7. Attorney general; notice of circumstances of death

If, during the course of investigation, the medical examiner is of the opinion that the death may have been caused by the act or negligence of another, he shall at once notify the district attorney within whose district the deceased was found or, if such act or negligence has occurred in a different district, the district attorney for such other district. He shall also make available to the district attorney any and all records pertaining to such investigation. He shall in all cases forthwith certify to the city or town clerk or registrar in the place where the deceased died, the name and address, if known, or otherwise a description as full as may be of the deceased, and the cause and manner of death. Notwithstanding any other provision of law, such certification may indicate that the death was caused by auto-immune deficiency syndrome, so-called.

In cases of homicide, after indictment and arraignment, and while the defendant is in custody or subject to the jurisdiction of the court, upon his

request, a copy of the official autopsy report and a copy of the inquest report, if any, shall be made available to him by the district attorney in accordance with the provisions of the Massachusetts Rules of Criminal Procedure.

6G. Massachusetts AIDS Fund; voluntary contributions

Every individual who files a separate return and every husband and wife filing a return jointly may voluntarily contribute all or part of any refund to which they are entitled, or may voluntarily add an amount onto any amount due, to be credited to the Massachusetts AIDS fund established pursuant to section thirty-five K of chapter ten.

A contribution made under this section may be with respect to any taxable year at the time of filing a return of the tax established by this chapter for such taxable year; provided, however, that the commissioner shall prescribe the manner in which such contribution shall be made on the face of the return required by section five of chapter sixty-two C; and provided, further, that the commissioner shall assure that taxpayers filing any such forms are made clearly aware of their ability to make the contributions provided for by this section.

The commissioner shall annually report the total amount designated under this section to the state treasurer, who shall credit such amount to said Massachusetts AIDS fund.

2D. Massachusetts AIDS Fund; definitions

As used in sections two D to two F, inclusive, the following words shall, unless the context clearly indicates otherwise, have the following meanings:

"AIDS", acquired immune deficiency syndrome.

"AIDS advisory board", the board established pursuant to section two F.

"Education", efforts to inform the public, or groups within the public who are seropositive or at high risk of HIV infection, with targeted information directed specifically at decreasing the incidence of unsafe behavior associated with the transfer of the HIV virus.

"Experimental treatment", treatment for the HIV infection or its associated illnesses which has not yet been approved for general use by an appropriate agency of the federal government.

"Fund", the Massachusetts AIDS Fund established pursuant to section thirty-five K of chapter ten.

"HIV", the human immunodeficiency virus associated with-AIDS.

"Research", scientific study conducted through community-based efforts to determine the effectiveness of drug and non-drug therapy in combatting the HIV infection and its associated illness, including research into the effectiveness of educational methods and materials.

"Sero-positive", the status of having tested positive for HIV antibodies.

"Treatment", such treatment as is approved by appropriate agencies of the United States government for the HIV infection or its associated illnesses.

2E Massachusetts AIDS Fund; expenditures

The commissioner may expend amounts contained in the fund, with the under the guidance of the AIDS advisory board solely for research treatment, experimental treatment, and education related to acquired immune deficiency syndrome. Expenditures from the fund for such purposes shall complement and not replace existing local, state, or federal AIDS-related funding. The commissioner shall determine, with the advice and under the guidance of the AIDS advisory board, appropriate educational efforts to fund. The commissioner, after consultation with the AIDS advisory board, shall develop a list of research priorities and protocols. The commissioner shall make a priority of researching those drug and non-drug therapies that are not made generally available through federal and other state programs, and shall prioritize those therapies which show the most promise of combating the HIV infection or its associated illnesses.

No more than six percent of the amounts held in the fund in any one year shall be used for administration of the fund; provided, however, that this provision shall not preclude the appropriation from the General Fund of the commonwealth of additional amounts to support the administration of the fund.

Notwithstanding any statute or regulations to the contrary, the commissioner may develop, with the advice of the AIDS advisory board procedures for accepting proposals for implementing any of the purposes of the fund as set forth in this section.

2F Massachusetts AIDS advisory board; membership

There shall be an AIDS advisory board constituted for the general purpose of making recommendations to the commissioner concerning the administration and allocation of the fund, and performing any other functions specifically granted to it by law.

The commissioner shall have the authority to appoint all members of the AIDS advisory board, which shall consist of no more than nineteen members, and shall include the following: two persons with AIDS; two persons with AIDS-related complex; two persons who are sero-positive; six persons each who have demonstrable experience in providing AIDS related direct services to persons who are at risk of HIV infection or who are sero-positive, one of whom has experience with persons of African-American heritage, one of whom has experience with persons of Hispanic heritage, one of whom has experience with persons of Haitian origin; one of whom has experience with persons who are intravenous drug users, one of whom has experience with local, state or federal prisoners, and one of whom has experience with gay men; a sociologist who has demonstrable experience in neighborhood based AIDS-related education or research; an epidemiologist who has demonstrated experience in neighborhood based AIDS-related research or treatment; a pediatrician with demonstrable experience in treating children with the HIV infection or related illnesses; and a representative of the AIDS Action Committee of Massachusetts.

53c. Non-reusable syringes; regulations advisory committee

Every hospital, clinic or home health care provider licensed by the department or receiving funds from the commonwealth shall comply with regulations issued by the department requiring the use of non-reusable syringes for all human immunizations which are intended to be for a single use. Such regulations shall be issued by the department no later than January first, nineteen hundred and ninety-four, and may contain such reasonable exceptions and enforcement provisions as the commissioner may determine.

In promulgating such regulations, the commissioner shall consider the recommendations of the non-reusable syringe regulation advisory committee. Said committee shall be appointed by the commissioner, and shall consist of one representative of an organization concerned with AIDS, one representative of a hospital organization, one representative of a nursing organization, one representative of health care professions, one representative of licensed clinics, one representative of a manufacturer of medical devices, including non-reusable syringes, one representative of a health insurer, one representative of a drug addiction and treatment program, and one representative of an organization concerned with public health.

57D. Hospice programs

The department shall, after a public hearing, promulgate rules and

regulations for the licensing and conduct of hospice programs. For the purpose of this section, hospice shall mean a coordinated program of care and services for those who are determined to be terminally ill with a limited life expectancy. These services are to be provided by, or arranged to be provided through, an interdisciplinary team, which shall include health care and counseling providers, in a home setting, on an out-patient basis, and on a back-up in-patient basis, not to exclude those patients requiring only in-patient care. Such services shall include, but not be limited to, physician's services, nursing care provided by or under the supervision of a registered professional nurse, social services, volunteer services, and counseling services provided by professional or volunteer staff under professional supervision. The licensee, if contracting for in-patient back-up services, must have a written contract providing for such services. The department shall issue for a term of two years and renew for a like term a license to maintain a hospice program to any organization which it deems responsible and suitable to establish and maintain such program. Said licensees shall be subject to suspension, revocation, or refusal to renew for cause. The department shall determine the fee and renewal of said license.

70F HLTV-III test; confidentiality; informed consent

No health care facility, as defined in section seventy E, and no physician or health care provider shall (1) treat any person for the presence of the HTLV-III antibody or antigen without first obtaining his written informed consent; (2) disclose the results of such test to any person other than the subject thereof without first obtaining the subject's written informed consent; or (8) identify the subject of such tests to any person without first obtaining the subject's written informed consent.

No employer shall require HTLV-III antibody or antigen tests as a condition for employment.

Whoever violates the provisions of this section shall be deemed to have violated section two of chapter ninety-three A.

For the purpose of this section a, "written informed consent" shall mean a written consent form for each requested release of the results of an individual's own antibody or antigen test, or for the release of medical records containing such information. Such written, consent form shall state the purpose for which the information is being requested and shall be distinguished from written consent for the release of any other medical information, and for the purpose of this section "HTLV-III test" shall mean a licensed screening antibody test for the human T-cell lymphotropic virus type III.