

/* TENNESSEE has enacted criminal laws against "aggravated prostitution," as well as testing for sex offenders and real estate disclosure laws; and blood donation laws. */

39-13-108. Rules and regulations regarding transmission of HIV -Quarantine - Violations. - (a) No later than April 1, 1994, the department of health, acting pursuant to 68-10-109, shall promulgate rules regarding transmission of HIV. Such rules shall include specific procedures for quarantine or isolation, as may be necessary, of any person who clearly and convincingly demonstrates willful and knowing disregard for the health and safety of others and who poses a direct threat of significant risk to the health and safety of the public regarding transmission of HIV.

(b) The department of health is authorized to quarantine or isolate such person within a secure facility, after exercising other appropriate measures, if the person continues to pose a direct threat of significant risk to the health and safety of the public. Any such person so quarantined or isolated within a secure facility, who intentionally escapes from such facility, commits a Class E felony.

39-13-516. Aggravated prostitution. - (a) A person commits aggravated prostitution when, knowing that such person is infected with HIV, the person engages in sexual activity as a business or is an inmate in a house of prostitution or loiters in a public place for the purpose of being hired to engage in sexual activity.

(b) For the purposes of this section, "HIV" means the human immunodeficiency virus or any other identified causative agent of acquired immunodeficiency syndrome.

(c) Nothing in this section shall be construed to require that an infection with HIV has occurred in order for a person to have committed aggravated prostitution.

(d) Aggravated prostitution is a Class C felony.

39-13-521. HIV testing of persons convicted of violations of 39-13-502 or 39-13-503 - Release of test results. - (a) When a defendant charged with a violation of 39-13-502 or 39-13-503 initially appears before a general sessions, circuit or criminal court judge upon such charge, the judge shall inform such defendant of the availability of HIV testing and shall also cause the victim of the offense, or a parent or guardian of the victim, to be notified that the defendant has been so notified.

39-13-521. HIV testing of persons convicted of violations of 39-13-502, 39-13-503 or 39-13-513 - Release of test

results. - (a) (1) When a defendant charged with a violation of 39-13-502 or 39-13-503 initially appears before a general sessions, circuit or criminal court judge upon such charge, the judge shall inform such defendant of the availability of HIV testing and shall also cause the victim of the offense, or a parent or guardian of the victim, to be notified that the defendant has been so notified.

(2) Upon the conviction of the defendant for a violation of 39-13-502 or 39-13-503, the court shall, upon the request of the victim or a parent or guardian of a victim, order the convicted person to submit to an HIV test. Such test shall be performed by a licensed medical laboratory.

(3) The result of any HIV test ordered under this subsection is not a public record and shall be available only to:

(A) The victim;

(B) The parent or guardian of a minor or incapacitated victim;

(C) The attending physician of the defendant tested and of the victim;

(D) The department of health;

(E) The department of correction; and

(F) The person tested.

(G) The cost of testing under this subsection shall be paid by the department of health, but reimbursement to the department for the cost of the testing shall be included by the court in any order requiring the convicted person to pay restitution.

(4) For purposes of this subsection, "HIV test" means a test of an individual for the presence of human immunodeficiency virus (HIV), or for antibodies or antigens that result from HIV infection, or for any other substance specifically indicating infection with HIV.

(b) (1) Upon the conviction of the defendant for a violation of 39-13-513, the court shall order the convicted person to submit to an HIV test. Such test shall be performed by a licensed medical laboratory at the expense of the defendant. The defendant shall obtain a confirmatory test when necessary. The defendant shall be referred to appropriate counseling. The defendant shall return a certified copy of the results of all tests to the court. The court shall examine results in camera and seal the record.

(2) For purposes of this subsection, "HIV test" means a test of an individual for the presence of human immunodeficiency virus (HIV), or for antibodies or antigens that result from HIV infection, or for any other substance specifically indicating infection with HIV. The department of health shall promulgate rules designating the proper test method to be used for this purpose.

66-5-110. Transfer of real estate - Failure to disclose real

estate occupied by person with AIDS or that real estate was site of crime. - No cause of action shall arise against a transferor of real estate or such transferor's agent for the failure to disclose to the transferee of such real estate or the transferee's agent the fact or suspicion that:

(1) An occupant of the real estate is, has been, or was at any time suspected to be, infected with human immunodeficiency virus or diagnosed with acquired immune deficiency syndrome (AIDS), or other disease which has been determined by medical evidence to be highly unlikely to be transmitted through the occupancy of a dwelling place; or

(2) The real estate was, or was at any time suspected to have been, the site of a suicide, homicide or other felony.

68-5-102. Physicians to notify health authorities and recipients of dead bodies of communicable disease or AIDS. - Whenever any physician, surgeon or practitioner of medicine knows or suspects that any person whom such physician, surgeon or practitioner of medicine has been called to visit, or who has been brought to such physician, surgeon or practitioner of medicine for examination (or any other suspicious information received relative thereto), is infected (or even so suspected) with any communicable disease (except venereal disease), such physician, surgeon or practitioner of medicine shall immediately notify the health authorities of the town or county wherein the diseased person or persons are found; and in the event of the death of such person, such physician, surgeon or practitioner of medicine shall also notify, or cause to be notified, at the time of delivery, the person to whom the body is delivered of the known or suspected communicable, contagious or infectious disease, including acquired immune deficiency syndrome (AIDS), so that the necessary and proper precautions can be taken in the handling, preparation for disposition or disposition of the body.

68-11-222. Acquired immune deficiency syndrome - Policies. -

(a) All acute care hospitals and ambulatory surgical treatment centers in Tennessee licensed pursuant to the provisions of this part shall adopt, in the discretion of the institution and in consultation with the institution's medical staff, appropriate policies regarding the testing of patients for acquired immune deficiency syndrome.

(b) Such policies shall be promulgated and in force on or before January 1, 1990.

68-32-101. Age limits and other restrictions. - (a)(1) Any person seventeen (17) years of age or older, subject to the restrictions and provisions of this section, is acceptable as a

blood donor; provided, that any person seventeen (17) years of age shall be accepted as a blood donor on a voluntary basis only. Any person seventeen (17) years of age may be accepted as a blood donor if such person has had the disability of such person's minority removed, or if such person has the written consent of such person's parent or guardian; provided, that such person may be accepted as a blood donor in the absence of any such removal or consent if such person is not compensated for such person's blood donation.

(2) Notwithstanding provisions of this section to the contrary, any person under seventeen (17) years of age may be accepted as a blood donor when a medical necessity exists within such person's immediate family.

(A) "Blood donation" within the scope of this section means the donation of whole blood or blood products, including, but not limited to, platelets, red blood cells, white blood cells, or serum.

(B) "Immediate family" within the scope of this subdivision is confined to parents or whole or half siblings.

In order to donate, any person under seventeen (17) years of age must have written consent of such person's parent or guardian and written consent of such person's personal physician dated within two (2) weeks of the date of donation.

(3) (A) Notwithstanding any provisions of this section to the contrary, a person under seventeen (17) years of age may provide autologous blood donations. Such donations shall require the written consent of the donor's parent or guardian and the written consent of such person's personal physician dated within two (2) weeks of date of donation.

(B) "Autologous blood donation" within the scope of this section means the donation of a person's own blood for future use by that person.

(b) Any person of sixty-six (66) years of age or older may be accepted as a blood donor if such person has written consent of such person's personal physician, dated within two (2) weeks of the date of donation. The written consent of the personal physician shall not be required if such person is not compensated for the blood donation.

(c) All persons, regardless of age, must meet all other criteria for acceptability of blood donors as provided in the rules, regulations and policies of the public health council.

68-32-102. Facilities to test for AIDS - Contaminated blood - Cause of action for AIDS infection from untested blood. - (a) All facilities collecting fresh human blood or plasma directly from an individual donor shall have such blood or plasma tested for the potential presence of the causative agent for Acquired Immune

Deficiency Syndrome (AIDS).

(b) Any blood shown by appropriate medical testing to be potentially contaminated by the causative agent for AIDS shall not be used for transfusions, or for any other purposes which may pose a threat of transmission of the virus.

(c) Any person who contracts AIDS from any contaminated blood or blood product shall have a cause of action for damages, including all medical expenses, against any facility supplying untested blood, if such person can establish that such person received any untested blood, or blood product derived therefrom, from such supplier.

(d) This section shall not apply in those emergency situations where the attending physician determines that failure to transfuse will be life threatening to the patient.

68-32-103. Patient's right to designate blood donor. - (a) The department of health shall promulgate rules and regulations in accordance with the provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, to provide that any individual who is treated by a health professional or health facility has the option of designating donors to provide blood or blood products to such individual which may be necessary for such individual's treatment.

(b) The regulations promulgated pursuant to this section do not apply in those emergency situations where the attending physician determines that failure to transfuse will be life threatening to the patient.

68-32-104. Prohibition on AIDS victims donating blood. - If a person knows that such person has received a confirmed positive result from the human t lymphotropic virus type III antibody test (HTLV-III), or if a person knows that such person is suffering from a confirmed case of acquired immune deficiency syndrome, then it is unlawful for the person to be or attempt to be a blood donor except when deemed necessary for medical research.