

Alabama

All citations are to “Ala. Code” unless otherwise noted.

DEFINITIONS

- (1) “Health care facility,” “health care worker,” “human immunodeficiency virus,” and “infected health care worker” are defined at § 22-11A-60.
- (2) “HIV,” “AIDS,” and “HIV infection” are defined at § 22-11A-50.
- (3) “Invasive procedure,” and “invasive dental procedures” are defined at § 22-11A-60.
- (4) Sexually transmitted diseases (STDs), which are designated by the State Board of Health, are recognized and declared to be contagious, infectious, and communicable diseases and dangerous to the public health. § 22-11A-13.

CRIMINAL LAW

- (1) Any physician or laboratory worker who diagnoses or treats a case of a STD (see Definitions (4)) shall make a confidential report to the state or local health officer. Any person who violates this shall be guilty of a misdemeanor and may be fined. § 22-11A-14.
- (2) Any person afflicted with a STD who knowingly transmits, assumes the risk of transmitting, or does any act which will likely transmit such a disease to another person shall be guilty of a Class C misdemeanor. § 22-11A-21.
- (3) All information, reports, and medical records concerning persons infected with STDs shall be confidential and shall not be subject to public inspection or admission into evidence in any court. Anyone who violates this shall be guilty of a Class C misdemeanor. § 22-11A-22.

Education (1)

Testing & Reporting (1), (5)

EDUCATION

- (1) Sex education in the public schools shall be age-appropriate and shall emphasize that sexual abstinence is the only completely effective protection against pregnancy, STDs (see Definitions (4)), and HIV or AIDS (see Definitions (2)). Information on the reliability of various forms of contraception as protection against STDs, HIV or AIDS shall also be included. Sex education shall emphasize that homosexuality is not an acceptable lifestyle and that homosexual conduct is a criminal offense. § 16-40A-2.

Testing & Reporting (1)

EMPLOYMENT

(1) A fire fighter, who contracts AIDS (see Definitions (2)) while employed by a city and who can demonstrate that he or she was exposed to AIDS while in the line and scope of employment, is entitled to service related disability benefits. If the fire fighter dies, the death is compensable to the same extent as a death of a fire fighter killed in the line of duty, and the fire fighter shall be considered to have been killed in the line of duty. § 11-43-144.

(2) No operator of a barber, manicure or beauty shop shall permit any person suffering from a communicable disease or venereal disease to serve patrons in the said shop. Barbering, manicuring or beauty culture by any person suffering from a communicable disease or venereal disease is hereby prohibited. § 22-17-8.

Testing & Reporting (1), (4)

HOUSING

INSURANCE

Testing & Reporting (4)

RESEARCH

SOCIAL & MEDICAL SERVICES

(1) The AIDS Task Force of Alabama, Inc. (ATFA) shall limit the disbursement of public funds to ten enumerated service organizations. § 22-11A-90. ATFA shall govern the distribution of funds according to client caseload or HIV (see Definitions (2)) incidence served by those organizations. § 22-11A-91. ATFA and the listed organizations shall be tax exempt. § 22-11A-93.

(2) Every physician who examines or treats a person having a STD (see Definitions (4)) shall instruct such person in measures for preventing the spread of such disease and the necessity of treatment until cured. § 22-11A-20.

(3) A registered nurse in the employment of the Health Department or a county health department may dispense the legend drugs for the treatment of STDs if approved by the Board of Pharmacy. The dispensing of the drugs shall meet all labeling, packaging, recordkeeping, and counseling requirements of a prescription. This authority does not apply to controlled substances. § 34-23-11.

Criminal Law (1)

Testing & Reporting (1), (3), (4), (5)

TESTING & REPORTING

(1) Health care and testing facilities (see Definitions (1)) shall maintain confidentiality regarding test results respecting HIV infection (see Definitions (2)) or a

specific medical condition derived from such infection. § 22-11A-54. Exceptions applying to HIV (see Definitions (2)) and other infectious and contagious diseases include: notification of attending medical transport and funeral personnel; notification of third parties at foreseeable risk; and notification of the appropriate superintendent of education when a student or employee has a contagious disease that endangers the health and welfare of others. The State Health Officer, in response to a grand jury or criminal court subpoena concerning a charge of murder, attempted murder, or felony assault, shall disclose information necessary to establish that an individual is HIV positive and has been so notified and counseled regarding avoiding infecting others as a result of intentional or reckless exposure of another to HIV where the exposed person is later shown to be HIV-infected. The obligation of confidentiality is extended to those notified under the exceptions of this section. § 22-11A-38.

(2) The Board of Health regulates HIV and AIDS (see Definitions (2)) testing. § 22-11A-40.

(3) Before HIV testing may be performed, the health care provider must obtain written, voluntary informed consent. § 22-11A-51. A minor, twelve years of age or older, who may have come into contact with any STD (see Definitions (4)) may give consent to medical care related to the diagnosis or treatment of such disease, if a licensed practitioner of medicine authorizes this treatment. § 22-11A-19. Informed consent is implied and, therefore, written consent is unnecessary when a treating physician determines the patient is at high risk for HIV infection, that medical care would be modified depending on HIV status, or that knowledge of HIV status is necessary to protect health care providers from HIV infection. § 22-11A-52. A positive HIV test result shall be reported to the individual by the ordering physician or a designee of the physician, by a physician designated by the applicant, or by the Department of Public Health, and shall include face-to-face post-test counseling on the meaning of the test result, possible need for additional testing, the need to eliminate behavior which may spread the disease, information about health care, mental health care, and social and support services, and explanation of the benefits of locating, testing, and counseling potentially exposed persons and of the services available to do so. § 22-11A-53.

(4) No health care worker (see Definitions (1)) having knowledge that he or she is infected with HIV shall perform or assist in the performance of an invasive procedure (see Definitions (3)) without notifying the State Health Officer (as provided in § 22-11A-61) and agreeing to cooperate with any authorized investigation and any necessary practice modifications. § 22-11A-62. A health care worker infected with HIV who performs invasive procedures shall notify the State Health Officer of the infection. A physician caring for an infected health care worker (see Definitions (1)) shall also notify the State Health Officer of the infection. § 22-11A-61. The State Health Officer shall then investigate to determine whether the health care worker's practice actually includes invasive procedures. If so, an expert review panel shall determine what

restrictions of practice shall apply. The performance of invasive procedures alone shall not present sufficient cause to limit the practice of the infected health care worker. Anonymity shall be maintained to extent possible. § 22-11A-63. The infected health care worker and the employing facility shall make available to the Board of Health and to the expert review panel investigating the practices of the health care worker any and all patient medical records requested by those groups that are no more than three years old. § 22-11A-67. Violation of this section, or of an order under this section, shall be grounds for suspension, revocation, or restriction of the professional license. § 22-11A-66. No duty to report is imposed by this provision on an insurer of an infected health care worker. § 22-11A-73.

(5) Persons incarcerated for thirty days or more in county or state facilities shall be tested for STDs upon entering the facility, and any inmate confined for more than ninety days shall be tested again thirty days before release. HIV test results of sexual offenders shall be reported to the State Health Officer. Treatment for treatable STDs shall be provided to inmates who are unable to pay. The local health officer shall be apprised of the discharge of an infectious inmate. The victim of a sexual offense may request the HIV test results of a convicted defendant, and the Health Department shall provide to the victim AIDS counseling, HIV or AIDS testing, and referral to health care

[\[12\]](#)

and support services. § 22-11A-17.

(6) Any minor may give effective consent for any legally authorized medical, health or mental health services to determine the presence of, or to treat pregnancy, venereal disease, drug dependency, or any reportable disease, and the consent of no other person shall be deemed necessary. § 22-8-6.

(7) Where there is reasonable cause to believe an individual has a STD, or has been exposed to a STD, such individual shall be tested and examined by the county or State Health Officer or his designee or a licensed physician. Whenever any person so suspected refuses to be examined, such person may be isolated or committed until, in the judgment of the State or County Health Officer, that person is no longer dangerous to public health. The State Health Officer or County Health Officer shall require all persons infected with a STD to report for treatment until such disease, in the judgment of the attending physician, is no longer communicable or a source of danger to public health. When such infected persons are unable to pay the attending physician's fees and are indigent, they shall submit to treatment at state expense. Whenever, in the judgment of the State or County Health Officer, such a course is necessary to protect public health, a person infected with a STD may be committed or isolated for compulsory treatment and quarantine. The costs of all rooming and boarding of all isolated persons shall be the responsibility of the state, unless the isolated person is confined to his or her own residence. § 22-11A-18.

Criminal (1), (3)

MISCELLANEOUS

(1) Expenses which are charged by ATFA (see Social & Medical Services (1)) for the overall and general administration of public funds or any other act of the legislature which makes appropriations to ATFA shall not exceed 12% per fiscal year. § 22-11A-92.

[12] . State Dept. of Pub. Health v. Wells, 562 So. 2d 1315 (Ala. Civ. App. 1989), *cert. denied*, No. 89-180, 1990 Ala. LEXIS 376 (Apr. 27, 1990) (sheriff not entitled to results of voluntary AIDS test on county jail inmate under this statute).