

Stat. 3088; amended Pub. L. 100-527, §10(1), (2), Oct. 25, 1988, 102 Stat. 2640, 2641; Pub. L. 100-690, title II, §2618(h), Nov. 18, 1988, 102 Stat. 4241; Pub. L. 102-83, §5(c)(2), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Subsec. (h). Pub. L. 102-83 substituted “section 1720 of title 38” for “section 620 of title 38”.

1988—Subsec. (a)(1). Pub. L. 100-690, §2618(h)(1), substituted “‘individuals infected with the etiologic agent for acquired immune deficiency syndrome’ means individuals who” for “‘patients infected with the human immunodeficiency virus’ means persons who” and “‘such individuals with such etiologic agent’ for ‘such person with the human immunodeficiency virus’”.

Subsec. (a)(2). Pub. L. 100-690, §2618(h)(2), substituted “‘individuals’” for “‘persons’”.

Subsec. (b). Pub. L. 100-690, §2618(h)(3), substituted “‘individuals infected with the etiologic agent for acquired immune deficiency syndrome’” for “‘patients infected with the human immunodeficiency virus’” and “‘such individuals’” for “‘such patients’”.

Subsec. (c)(1). Pub. L. 100-690, §2618(h)(4)(A), in introductory provisions substituted “‘individuals infected with the etiologic agent for acquired immune deficiency syndrome’” for “‘patients infected with the human immunodeficiency virus’”.

Subsec. (c)(1)(A). Pub. L. 100-690, §2618(h)(4)(B), substituted in introductory provisions “‘such individuals’” for “‘such patients’”, in cl. (ii) “‘individuals with acquired immune deficiency syndrome’” for “‘AIDS patients’”, and in cl. (iii) “‘such individuals’” for “‘patients’”.

Subsec. (c)(1)(B), (2)(C). Pub. L. 100-690, §2618(h)(4)(C), (5), substituted “‘individuals infected with the etiologic agent for acquired immune deficiency syndrome’” for “‘patients infected with the human immunodeficiency virus’”.

Subsec. (d)(2)(B). Pub. L. 100-690, §2618(h)(6), substituted “‘cases of acquired immune deficiency syndrome’” for “‘AIDS cases’”.

Subsec. (e)(2)(A). Pub. L. 100-690, §2618(h)(7), substituted “‘individuals infected with the etiologic agent for acquired immune deficiency syndrome’” for “‘patients infected with the human immunodeficiency virus’”.

Subsec. (f)(1). Pub. L. 100-690, §2618(h)(8), substituted “‘acquired immune deficiency syndrome’” for “‘the acquired immunodeficiency syndrome’” and “‘etiologic agent for such syndrome’” for “‘human immunodeficiency virus’”.

Subsec. (f)(2). Pub. L. 100-690, §2618(h)(9), substituted “‘such syndrome’” for “‘the acquired immunodeficiency syndrome’”.

Subsec. (g)(1). Pub. L. 100-690, §2618(h)(10), substituted “‘fiscal year 1989’” for “‘fiscal year 1988’” and “‘fiscal years 1990 through 1992’” for “‘fiscal years 1989 through 1991’”.

Subsec. (h). Pub. L. 100-527 substituted “‘Secretary of the Department of Veterans Affairs’” and “‘Department of Veterans Affairs’” for “‘Administrator of the Veterans’ Administration’” and “‘Veterans’ Administration’”, respectively.

CHANGE OF NAME

Committee on Labor and Human Resources of Senate changed to Committee on Health, Education, Labor, and Pensions of Senate by Senate Resolution No. 20, One Hundred Sixth Congress, Jan. 19, 1999.

Committee on Energy and Commerce of House of Representatives treated as referring to Committee on Commerce of House of Representatives by section 1(a) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress. Committee on Commerce of House of Representatives changed to Committee on Energy and Commerce of House of Representatives, and jurisdiction over matters relating to securities and exchanges and insurance generally transferred to Com-

mittee on Financial Services of House of Representatives by House Resolution No. 5, One Hundred Seventh Congress, Jan. 3, 2001.

EFFECTIVE DATE OF 1988 AMENDMENTS

Amendment by Pub. L. 100-690 effective immediately after enactment of Pub. L. 100-607, which was approved Nov. 4, 1988, see section 2600 of Pub. L. 100-690, set out as a note under section 242m of this title.

Amendment by Pub. L. 100-527 effective Mar. 15, 1989, see section 18(a) of Pub. L. 100-527, set out as a Department of Veterans Affairs Act note under section 301 of Title 38, Veterans’ Benefits.

PART C—OTHER HEALTH SERVICES

CODIFICATION

Prior to revision by Pub. L. 102-321, this part was comprised of subpart I, consisting of sections 300dd-31 to 300dd-33, and subpart II, consisting of section 300dd-41.

§ 300dd-31. Grants for anonymous testing

The Secretary may make grants to the States for the purpose of providing opportunities for individuals—

(1) to undergo counseling and testing with respect to the etiologic agent for acquired immune deficiency syndrome without being required to provide any information relating to the identity of the individuals; and

(2) to undergo such counseling and testing through the use of a pseudonym.

(July 1, 1944, ch. 373, title XXIV, §2431, as added Pub. L. 100-607, title II, §211, Nov. 4, 1988, 102 Stat. 3090.)

§ 300dd-32. Requirement of provision of certain counseling services

(a) Counseling before testing

The Secretary may not make a grant under section 300dd-31 of this title to a State unless the State agrees that, before testing an individual pursuant to such section, the State will provide to the individual appropriate counseling with respect to acquired immune deficiency syndrome (based on the most recent scientific data relating to such syndrome), including—

(1) measures for the prevention of exposure to, and the transmission of, the etiologic agent for such syndrome;

(2) the accuracy and reliability of the results of such testing;

(3) the significance of the results of such testing, including the potential for developing acquired immune deficiency syndrome; and

(4) encouraging individuals, as appropriate, to undergo testing for such etiologic agent and providing information on the benefits of such testing.

(b) Counseling of individuals with negative test results

The Secretary may not make a grant under section 300dd-31 of this title to a State unless the State agrees that, if the results of testing conducted pursuant to such section indicate that an individual is not infected with the etiologic agent for acquired immune deficiency syndrome, the State will review for the individual the information provided pursuant to subsection (a) of this section with respect to such syndrome, including—

(1) the information described in paragraphs (1) through (3) of such subsection; and

(2) the appropriateness of further counseling, testing, and education of the individual with respect to acquired immune deficiency syndrome.

(c) Counseling of individuals with positive test results

The Secretary may not make a grant under section 300dd-31 of this title to a State unless the State agrees that, if the results of testing conducted pursuant to such section indicate that an individual is infected with the etiologic agent for acquired immune deficiency syndrome, the State will provide to the individual appropriate counseling with respect to such syndrome, including—

(1) reviewing the information described in paragraphs (1) through (3) of subsection (a) of this section;

(2) reviewing the appropriateness of further counseling, testing, and education of the individual with respect to acquired immune deficiency syndrome;

(3) the importance of not exposing others to the etiologic agent for acquired immune deficiency syndrome;

(4) the availability in the geographic area of any appropriate services with respect to health care, including mental health care and social and support services;

(5) the benefits of locating and counseling any individual by whom the infected individual may have been exposed to the etiologic agent for acquired immune deficiency syndrome and any individual whom the infected individual may have exposed to such etiologic agent; and

(6) the availability, if any, of the services of public health authorities with respect to locating and counseling any individual described in paragraph (5).

(d) Rule of construction with respect to counseling without testing

Agreements entered into pursuant to subsections (a) through (c) of this section may not be construed to prohibit any grantee under section 300dd-31 of this title from expending the grant for the purpose of providing counseling services described in such subsections to an individual who will not undergo testing described in such section as a result of the grantee or the individual determining that such testing of the individual is not appropriate.

(e) Use of funds

(1) The purpose of this subpart¹ is to provide for counseling and testing services to prevent and reduce exposure to, and transmission of, the etiologic agent for acquired immune deficiency syndrome.

(2) All individuals receiving counseling pursuant to this subpart¹ are to be counseled about the harmful effects of promiscuous sexual activity and intravenous substance abuse, and the benefits of abstaining from such activities.

(3) None of the fund appropriated to carry out this subpart¹ may be used to provide counseling

that is designed to promote or encourage, directly, homosexual or heterosexual sexual activity or intravenous drug abuse.

(4) Paragraph (3) may not be construed to prohibit a counselor who has already performed the counseling of an individual required by paragraph (2), to provide accurate information about means to reduce an individual's risk of exposure to, or the transmission of, the etiologic agent for acquired immune deficiency syndrome, provided that any informational materials used are not obscene.

(July 1, 1944, ch. 373, title XXIV, § 2432, as added Pub. L. 100-607, title II, § 211, Nov. 4, 1988, 102 Stat. 3090; amended Pub. L. 100-690, title II, § 2618(i), Nov. 18, 1988, 102 Stat. 4242; Pub. L. 102-321, title I, § 118(b)(1)(B), July 10, 1992, 106 Stat. 348.)

AMENDMENTS

1992—Subsec. (a). Pub. L. 102-321, which directed the substitution of “part” for “subpart” wherever appearing in subsec. (a), could not be executed because the word “subpart” does not appear in subsec. (a).

1988—Subsec. (c). Pub. L. 100-690, § 2618(i)(1), substituted “indicate that an individual” for “indicate that the individual” in introductory provisions and “paragraph (5)” for “paragraph (4)” in par. (6).

Subsec. (e)(1) to (3). Pub. L. 100-690, § 2618(i)(2), substituted “subpart” for “part”.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-321 effective Oct. 1, 1992, with provision for programs providing financial assistance, see section 801(c), (d) of Pub. L. 102-321, set out as a note under section 236 of this title.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-690 effective immediately after enactment of Pub. L. 100-607, which was approved Nov. 4, 1988, see section 2600 of Pub. L. 100-690, set out as a note under section 242m of this title.

§ 300dd-33. Funding

For the purpose of grants under section 300dd-31 of this title, there are authorized to be appropriated \$100,000,000 for each of the fiscal years 1989 and 1990.

(July 1, 1944, ch. 373, title XXIV, § 2433, as added Pub. L. 100-607, title II, § 211, Nov. 4, 1988, 102 Stat. 3091.)

§ 300dd-41. Transferred

CODIFICATION

Section, act July 1, 1944, ch. 373, title XXIV, § 2441, as added Nov. 4, 1988, Pub. L. 100-607, title II, § 211, 102 Stat. 3092, which related to demonstration projects for individuals with positive AIDS test results, was renumbered section 520B of act July 1, 1944, by Pub. L. 102-321, title I, § 118(a), July 10, 1992, 106 Stat. 348, and was transferred to section 290bb-33 of this title, prior to repeal by Pub. L. 106-310, div. B, title XXXII, § 3201(b)(2), Oct. 17, 2000, 114 Stat. 1190.

SUBCHAPTER XXIII—PREVENTION OF ACQUIRED IMMUNE DEFICIENCY SYNDROME

§ 300ee. Use of funds

(a) In general

The purpose of this subchapter is to provide for the establishment of education and information programs to prevent and reduce exposure

¹ So in original. Probably should be “part”.