



STATE OF HAWAII
DEPARTMENT OF HEALTH
STD/AIDS Prevention Branch
3627 KILAUEA AVENUE, ROOM 306
HONOLULU, HAWAII 96816-2399

In reply, please refer to:
File:

October 1, 2009

Changes to the Law Regarding HIV Testing in Hawai'i:

The **purpose of the new law**, Act 116(09), is to remove barriers and increase routine Human Immunodeficiency Virus (HIV) testing by health care providers in Hawai'i so more people can learn their HIV status and, if positive, access appropriate prevention and care services.

The new law **no long requires** pre-test counseling or written informed consent specific to HIV testing

Specifically, the new law states that health care providers may test for HIV infection after:

- (1) Orally explaining that some test results are maintained by the Hawai'i Department of Health (DOH), according to strict confidentiality protocols established by law;
- (2) Orally advising that free and anonymous HIV testing is available through the DOH and certain community agencies;
- (3) Providing the person reasonable opportunity to decline the HIV test; and
- (4) Receiving the person's express oral consent to the test.

A health care provider may use a written form that, at a minimum, provides equivalent information to that prescribed above, provided that the health care provider shall allow the person reasonable opportunity to decline consent by declining to sign the form.

This change in the law DOES NOT apply to blood banks, plasma centers, or any other public or private agency or institution that tests for HIV. A written consent for performing an HIV test is still required for these facilities, and the person must be given the opportunity to receive pre and post-test HIV counseling regardless of the results.

View the new law at:

<http://www.capitol.hawaii.gov/session2009/bills/GM733.pdf>

For more information about HIV testing see the STD/AIDS Prevention Branch website at: <http://hawaii.gov/health/healthy-lifestyles/std-aids/index.html> or call (808) 733-9010

Free and Anonymous HIV Tests are Available on Neighbor Islands at:

Maui:

Maui AIDS Foundation
1935 Main Street, Suite 101
Wailuku, HI 96793
(808) 242-4900

Kauai:

Kauai District Health Office
3040 Umi Street
Lihue, HI 96766
(808) 821-2741

Malama Pono
4357 Rice Street #101
Lihue, HI 96766
(808) 246-9577

Big Island – Hilo:

Hawaii District Health Office
Waiakea Health Center
191 Kuawa Street
Hilo, HI 96720
(808) 974-4247

Hawaii Island HIV/AIDS Foundation
East Hawaii Office
Shipman Business Park
16-204 Melekahiwa Place, Suite 1
Kea'au, HI 96749
(808) 982-8800

Big Island – Kona:

Department of Health
Kealakekua Business Plaza
81-980 Haleki'i Street, Suite #103
Kaealakekua, HI 96750
(808) 322-1920

Hawaii Island HIV/AIDS Foundation
West Hawaii Office
Pines Plaza
75-240 Nani Kailua Drive, Suite 5
Kailua-Kona HI 96740
(808) 331-8177