

[TO BE INTRODUCED IN THE NATIONAL ASSEMBLY]

A

BILL

to provide for safety from and control of deadly disease of HIV/AIDS;

WHEREAS it is expedient to provide for the Control of the spread of HIV/AIDS for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. **Short title and commencement.**- (1) This Act may be called the HIV/AIDS (Safety and Control) Act, 2013.

(2) It shall extend to Islamabad Capital Territory.

(3) It shall come into force at once.

SECTION A

2. **Definitions.**- In this Act, unless there is anything repugnant in the subject or context,-

(a) "AIDS" means an immune deficiency disorder of the immune system caused by infection by infection by a retro virus HIV. It is characterized by repeated infection in all the organs of the body including eyes, lungs, and brain. Repeated infections cause recurrent diarrhea which results in significant weight loss.

(b) "HIV" means human immune deficiency virus.

(c) "HIV positive person" means a person whose tests positives for HIV.

(d) "Legal guardian" means a relative or any other person who is responsible for upbringing and taking care of a child or a minor or of a mentally incapacitated persons.

(e) "Primary health care giver" means an individual who directly cares for a person because of his vocation as a health personnel in the nature of a nurse or paramedic.

(f) "Significant risk" means exposure of body to secretions/tissues containing HIV as a result of accidental contact or as a result of a co-habitation or other relationship.

Explanation: Significant risk includes transmitting of infection by exposure, accidentally or deliberately, through intercourse or bites or through exposure of wounds, skin cuts or through mucous membranes, through blood products, saliva, by use of infected needles, by transfusion of contaminated blood. It also includes an infant of infected mother who is at risk during gestation, birthing, a breast feeding.

(g) "Partner" means a spouse or a person with whom another person has a relationship in the nature of marriage.

SECTION B

3. **Testing for HIV/AIDS:** (1) HIV/AIDS tests shall be carried out free of cost at public hospitals and clinics where laboratory facilities are available. Screening of HIV/AIDS shall also be included in blood screening.

(2) HIV/AIDS test can be required by the court, by a public prosecutor or by a physician (antenatal, postnatal physicians/surgeons) which can be undertaken by a primary

health care giver, nurses, attendants, paramedics involved in care of patient. No other person shall have the right to ask any person for the test.

Provided that the authority or persons, making request for execution of such a test, as mentioned in sub-section (2), shall be informed of results in strict confidentiality.

Provided further that the person being tested upon shall also be informed of the results.

(3) A person may approach the court in order to have a person tested if he/she suspects an individual to have AIDS and as a consequence of his/her association with him/her the person can prove that he/she is at significant risk of acquiring the disease.

4. **Mandatory Testing.**- (1) The following person shall be required to undergo mandatory testing:-

(i) Persons intending to get married, prior to any marriage HIV/AIDS test shall be mandatory for couple and the test reports of both the parties shall be included in the *nikahnama* or a certificate to this effect shall be attached therewith;

(ii) Ante-natal testing of pregnant women report of whom shall be submitted to the physician/surgeon involved in antenatal, postnatal care of woman.

(2) The test shall also be mandatory in high risk groups including—

(i) Immigrant workers returning to Pakistan shall be subjected to HIV/AIDS tests at all entrance points (airport, seaport), and the results, whatever it may be, shall be communicated to the person tested. If the result is positive, the test of family members of such a person shall also be conducted.

(ii) Mandatory testing in other high risk groups including jail inmates, commercial sex traders, sex offenders, victims of crimes which have exposed them to risk of acquiring infection, habitual drug abusers and truckers.

(iii) Patients receiving repeated transfusions of blood.

5. **Consent Forms.**- (1) Before a person undergoes the test for HIV/AIDS, a consent form, to be prescribed, shall be got signed by him.

(2) In case of a minor under 16 years of age or where a person lacks the mental capacity to understand the consent form, it shall be signed by his parents or legal guardian.

(3) In case of an emergency, where a person is unconscious or is not in a position to sign the consent form, such consent shall be obtained from his relatives available at the spot.

6. **Information Sharing.**- (1) Pregnant women or couples who undergo the HIV/AIDS test, shall be informed of the results, whatever they may be. If the result is positive the relevant hospital or clinic shall be responsible for their counseling and for preparing them to live with the disease and stop transfusion of it to their relatives.

(2) Physicians can inform at risk persons partner, spouse, and shared syringe users about the positive results. Treatment facilities to be discussed follow up care and referral of positive person.

7. **Confidentiality:**

- (i) Other than stated above test results cannot be shared with relatives other than spouse, friends other than those who are partners or could otherwise be infected, associates or employers unless a written consent from the patient.
- (ii) Test results are not to be posted on internet or other electronic media.
- (iii) Hospital case papers/reports are to be kept confidential.
- (iv) Pre-marriage certificate showing AIDS test results positive can only be shared with prospective bride.
- (v) Blood tests are to be done anonymously if part of a scientific research.

8. **Conditions under which disclosure of blood results are authorized by laws:-**

- (i) Results can only be divulged to any other then specified in the previous section as specified by this law; unless public safety is at risk.
- (ii) Where there is ongoing control surveillance of disease.

9. **Punishment for breach of confidentiality:-** Any person who negligently, willfully or maliciously divulges directly or indirectly identifies an individual or individuals as having HIV/AIDS that results in economic, bodily or psychological trauma/harm to person or persons. The said person or persons shall be guilty of a misdemeanor and shall be punished by a jail period not extending beyond one year or a Rs. 50000 fine or both plus court costs to be paid to the person or persons whose confidentiality has been breached.

10. **Discrimination & Victimization Law:-** No person will by publication, by advocacy or propaganda spoken or written spread prejudicial reports regarding a person or persons of AIDS/HIV in a way that would cause psychological, physical or mental trauma to that individual or individuals or result in their being victimized or discriminated against by society, by employers or prospective employers, or associates. A person advocating or discriminating against an infected person will be guilty of a misdemeanor and is liable to imprisonment or fine or both.

11. **Section B:** As in other communicable diseases Education and Information on AIDS/HIV its risks, its method of dissemination, preventive measures, and its treatment is very important. Training of health personnel is also very important.

12. **Information Dissemination:**

- (i) Through advertisement, television, radio, newspapers, pamphlets and posters.
- (ii) Hospitals should have prominent posters displayed for patient and general public information on AIDS/HIV.
- (iii) Seminars, workshops to be held regularly for knowledge dissemination.
- (iv) Local AIDS health workers to obtain training in detection, referral and advice to suspected cases.
- (v) Dissemination of information in sex trade workers through direct contact through social workers/AIDS health workers.
- (vi) HIV/AIDS counseling of pregnant women attending antenatal clinic, patients attending tuberculosis centers, hepatitis centers.

13. **Documentation:**

- (i) Entry in National Data Bank.
- (ii) In separate registration with name, address and contact details of AIDS/HIV infected person.
- (iii) Medical records with details of disease, treatment and outcome of disease.

14. **Training of health personnel:**

- (i) Health personnel should be trained as disseminators and counselors.
- (ii) Special training in handling AIDS/HIV patients to be given to health personnel with respect to stigma society attaches to the disease and sensitivity for patients and immediate relatives.

SECTION C:

This section deals with safety measures in prevention of this disease. Prevention of HIV/AIDS is very important for obvious reasons in the case of this fast spreading pandemic disease.

15. **Blood and blood products and tissue safety:** (1) Blood banks and organ banks have to follow regulations and safety measures. As also safety measures have to be followed by organ transplant units, thalassemia, hemophilic and dialysis centers. All these facilities should be licensed.

- (2) All blood or organ donors require mandatory blood tests for HIV/AIDS.
- (3) All blood products, whole blood should be free from HIV/AIDS antibody before transfusion.
- (4) In case of blood donors are blood bank can take blood only after and when the donor consents to have HIV/AIDS test done.
- (5) Results to be shared with donors and appropriate guide lines given with information for referral and treatment.
- (6) Transfusion associated infection is to be reported and the blood bank selling contaminated blood is to be sealed until cleared after testing. Blood bank to investigate source of donor blood.
- (7) It is mandatory for all blood banks to keep records of blood and blood product donors with serial numbers on bags and with the same number in a register with reference of donor and the person transfused for future contact and referral in case of future detection of the disease.

16. **Safety and sanitation standards:-** Safety measures are to be followed in disposal of hospital waste, hypodermic needles, syringes, dressings, suture materials etc.

- (i) Hospitals, clinics and health centers must dispose needles of hypodermic syringes in sharp disposal containers.
- (ii) Hospital clinic waste to be properly disposed of/incinerated.
- (iii) All syringes, needles, drip sets etcetera to be sold on prescription by licensed pharmacies.

17. **Health personnel and safety measures:** (1) Dental professionals, surgeons, physicians paramedics are required to maintain occupational safety and standard guidelines for infection control.

(2) All hospitals where there is significant risk of acquiring HIV infection are required to take safeguards and sanitation measures to protect their employees. It is mandatory for those health personnel to be tested every five years for HIV/AIDS these include dentists, surgeons, phlebotomists, who are at significant risk of exposure.

18. **Criminal Offence & its Prosecution.**- Any person who willfully exposes another person to HIV/AIDS by not informing that person of his condition by:-

- (i) Engaging in unprotected sex.
- (ii) By sharing needles, shaving razors, scissors, tooth brushes etcetera.
- (iii) In case of dentist surgeons performing invasive procedures.
- (iv) Barbers by using contaminated scissors, razors.
- (v) Quacks using used needles, syringes, drip sets, other material instruments contaminated by the virus.

Will be treated as a criminal and will be charged with rigorous imprisonment for ten years with a penalty of not less than Rs. 100,000 and not more than Rs. 500,000 unless the victim requires otherwise.

STATEMENT OF OBJECTS AND REASONS

HIV/AIDS is a gigantic challenge for the whole of the world which is causing a large number of deaths around the globe. It spreads rapidly in developing countries like Pakistan where there is little awareness of this disease and pre-cautionary measures amongst the public at large. Therefore, there is an increasing need to create awareness in the mass about this killer disease and take appropriate measures to control its spread.

2. The Bill seeks to achieve the aforesaid objectives.

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