

# House Bill 2943

Sponsored by Representative NELSON (at the request of Cascade AIDS Project - Portland) (Pre-session filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: Directs a hospital to conduct an HIV test and a syphilis test when a person has other blood tests done at the ED, unless the person opts out of the test. (Flesch Readability Score: 63.4).

Directs a hospital to conduct HIV and syphilis screening when an individual undergoes a blood test or analysis as part of medical care received within an emergency department, unless the individual declines a test. Provides for exceptions.

Requires health insurance coverage of HIV and syphilis screening conducted at a hospital emergency department.

Appropriates moneys from the General Fund to the Oregon Health Authority to cover costs incurred by counties in carrying out investigation and outreach related to the increase in HIV and syphilis screening.

Takes effect on the 91st day following adjournment sine die.

## A BILL FOR AN ACT

1  
2 Relating to public health testing; and prescribing an effective date.

3 **Be It Enacted by the People of the State of Oregon:**

### **SECTION 1. (1) As used in this section:**

4  
5 (a) **“Emergency medical services provider” has the meaning given that term in ORS**  
6 **682.025.**

7 (b) **“Health care provider” or “provider” means a person who is licensed, certified or**  
8 **otherwise authorized by law in this state to administer health care in the ordinary course**  
9 **of business or in the practice of a health care profession.**

10 (c) **“HIV test” has the meaning given that term in ORS 433.045.**

11 (d) **“Hospital” has the meaning given that term in ORS 442.015.**

12 (e) **“Syphilis test” means a test of an individual for the presence of the bacterium**  
13 **Treponema pallidum, or for antibodies or antigens that result from a Treponema pallidum**  
14 **infection, or for any other substance specifically indicating an infection that causes syphilis.**

15 (2) **Subject to subsections (3) to (6) of this section, when an individual consents to re-**  
16 **ceiving medical care within a hospital emergency department and the medical care includes**  
17 **taking a blood sample or using a blood sample taken by an emergency medical services pro-**  
18 **vider for laboratory testing or analysis, the hospital must use the blood specimen to also**  
19 **conduct an HIV test and a syphilis test.**

20 (3) **For an HIV test, a hospital emergency department health care provider or the**  
21 **provider’s designee shall follow the requirements and procedures for administering an HIV**  
22 **test under ORS 433.045.**

23 (4)(a) **For a syphilis test, a hospital emergency department health care provider or the**  
24 **provider’s designee shall, before subjecting an individual to a syphilis test:**

25 (A) **Notify the individual being tested; and**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (B) Allow the individual being tested the opportunity to decline the test.

2 (b) The notification and opportunity to decline testing required under paragraph (a) of  
3 this subsection may be verbal or in writing, and may be contained in a general medical con-  
4 sent form.

5 (5) A hospital may not conduct an HIV test or a syphilis test under this section if an  
6 individual is unable to grant or withhold consent.

7 (6) A hospital is not required to conduct an HIV test under this section if the hospital  
8 medical records for the individual show that the individual has a history of a positive HIV  
9 test.

10 (7) A person who complies with the requirements of this section is not subject to an  
11 action for civil damages.

12 SECTION 2. Section 3 of this 2025 Act is added to and made a part of the Insurance Code.

13 SECTION 3. (1) A policy or certificate of health insurance that reimburses the cost of  
14 services delivered by a hospital that is subject to the requirements to conduct an HIV test  
15 or a syphilis test under section 1 of this 2025 Act shall reimburse the costs of the tests in-  
16 curred by the hospital in complying with section 1 of this 2025 Act.

17 (2) This section is exempt from ORS 743A.001.

18 SECTION 4. Section 3 of this 2025 Act applies to policies and certificates of health in-  
19 surance issued, renewed or extended on or after the effective date of this 2025 Act.

20 SECTION 5. In addition to and not in lieu of any other appropriation, there is appropri-  
21 ated to the Oregon Health Authority, for the biennium beginning July 1, 2025, out of the  
22 General Fund, the amount of \$\_\_\_\_\_, which may be expended to cover costs incurred by  
23 counties in carrying out additional investigation and outreach related to the increase in HIV  
24 and syphilis testing under section 1 of this 2025 Act.

25 SECTION 6. This 2025 Act takes effect on the 91st day after the date on which the 2025  
26 regular session of the Eighty-third Legislative Assembly adjourns sine die.

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