

## HIV Infection Control and Patient Rights Protection Act

### Article 1

To prevent the infection and spread of human immunodeficiency virus (HIV) infection, to maintain the health of the population, and to protect the rights of the infected, this Act is specifically formulated.

### Article 2

The competent authorities mentioned in this Act refer to the Ministry of Health and Welfare at the central level; the municipality governments at the municipality level; and the county/city governments at the county/city level.

### Article 3

The individuals infected with HIV (hereafter referred to as the infected) mentioned in this Act mean those infected by the said virus with and without progression to acquired immunodeficiency syndrome (AIDS).

### Article 4

The dignity and the legal rights of the infected shall be protected and respected; there shall be no discrimination, no denial of education, medical care, employment, nursing home, housing or any other unfair treatment; regulations governing the protection of their relevant rights shall be formulated by the central competent authority in consultation with various central competent enterprise authorities.

To prevent the spread of HIV to others, the central competent authority may impose certain necessary regulations on the practice of the jobs that the infected are engaged in.

No recording, videotaping, photographing shall be made of the infected without their consent.

### Article 5

The central competent authority shall invite groups promoting the rights and the interests of the infected, private sector institutions, scholars and experts, and representatives of various competent enterprise authorities to participate in the promotion of matters concerning HIV infection control and protection of the rights of the infected; of them, neither gender should constitute less than one-third of the participants; the number of representatives from groups promoting the rights and the interests of the infected, private sector institutions, scholars and experts shall not constitute less than one-half of the total participants.

The matters concerning infection control and human rights protection mentioned in the preceding Paragraph include:

1. program planning and integration, counseling, promotion pertaining to HIV infection control and protection of the rights and the interests of the infected;

2. accepting and processing settlement concerning infringement on the rights and the interests of the infected;
3. formulation of regulations governing protection of the rights and the interests and coordination of settlement concerning infringement on the rights and the interests of the infected and other matters to be complied with.

Representatives of the groups promoting the rights and the interests of the infected, and private sector institutions mentioned in Paragraph 1 shall be initially recommended by the various registered private sector institutions, groups, and invited by the competent authorities.

#### Article 6

Acting upon regulations of competent authorities, medical institutions shall conduct screening and prevention activities of HIV infection; expenses for such activities shall be budgeted for payment by the competent authorities.

#### Article 7

Competent authorities shall conduct education programs and promotion campaigns on the prevention and control of HIV.

The various central competent enterprise authorities shall devise annual plans detailing education programs and promotion campaigns; the contents of such plans shall be sex-conscious and shall focus on anti-discrimination; the plans shall be implemented with the assistance of organizations, schools, groups and mass media.

#### Article 8

Individuals with any of the following conditions shall attend lectures on the prevention and control of HIV and other sexually-transmitted diseases:

1. found to use or traffic drugs;
2. found to have sexual intercourse or indecent behavior with others with intention to profit;
3. found to have sexual intercourse or indecent behavior with individuals mentioned in the preceding Subparagraph.

Regulations governing the curricula, hours, implementation units of the lectures mentioned in the preceding Paragraph and other matters to be complied with shall be decided by the central competent authority.

#### Article 9

To prevent HIV transmission to others through sharing of needles and syringes, diluted fluid or containers, when necessary, competent authorities may establish mechanisms for supply, exchange, recall of needles and syringes, and use controlled drugs as substitution treatment for drug addicts; regulations governing the target groups, methods, contents, implementation institutions and other matters to be complied with shall be decided by the central competent authority.

Individuals in supply or possession of needles and syringes or controlled drugs while participating in the mechanisms mentioned in the preceding Paragraph shall not bear any criminal responsibility.

#### Article 10

Hotel and spa owners shall provide condoms and liquid lubricant at the business locations.

#### Article 11

Individuals who are to carry out any of the following activities shall undergo prior HIV testing:

1. donating blood for the use and transfusion of others; the preceding provision does not apply to the situation where prior HIV testing cannot be performed due to emergency transfusion need.
2. manufacturing blood products;
3. performing transplantation of organs, tissues, body fluids or cells.

If an individual is tested to be HIV positive, his/her blood, organs, tissues, body fluids and cells shall not be used. However the preceding provision does not apply to the situation where an infected who is to receive the organ transplant has given his/her written consent prior to the organ transplantation.

Medical institutions shall report HIV-positive individuals under the first paragraph to the competent authorities.

#### Article 12

The infected have the obligations to provide information regarding the sources of infection or contacts; when under medical care, they shall inform the medical personnel that they have been infected with HIV. The preceding provision does not apply to emergency situations or when the infected is in an environment where his/her privacy is not protected.

Competent authorities may conduct investigations of the infected and their sources of infection or contacts. When conducting investigations, however, the dignity and privacy of the infected shall not be trespassed.

After the infected provide with the fact of their infection, medical institutions and medical personnel shall not refuse to provide medical services.

#### Article 13

Medical personnel, upon detection of the infected, shall report to the local competent authorities within 24 hours; the procedures and the contents for reporting shall be decided by the central competent authority.

Competent authorities, for the need of transmission prevention and medical care, may request medical institutions, physicians or forensic medicine physicians for relevant testing results and treatment of the infected within a specified deadline;

medical institutions, physicians or forensic medicine physicians shall not refuse, evade or obstruct.

#### Article 14

Competent authorities, medical institutions, medical personnel and other persons who are in possession of information such as names and medical records of the infected through their business, except by the regulations of laws or for the needs of transmission prevention and medical care, shall not release such information.

#### Article 15

Competent authorities shall notify the following individuals to attend counseling and undergo HIV testing at designated medical institutions:

1. individuals being reported, detected of HIV infection or suspected of HIV infection;
2. individuals practicing unsafe sexual behavior with the infected, sharing needles and syringes, diluted fluid, containers, or any other unsafe behaviors;
3. individuals identified to be HIV positive and reported by medical institutions in accordance with Paragraph 3 of Article 11;
4. individuals transfused or transplanted with blood, organs, tissues, body fluid of the infected;
5. other individuals deemed necessary for testing by the central competent authority.

Costs of the HIV testing mentioned in the preceding Paragraph shall be budgeted by the central competent authority and the various central competent enterprise authorities; the coverage for the HIV testing mentioned in Subparagraph 5 of the preceding Paragraph shall be announced by the central competent authority.

Individuals mentioned in Paragraph 1 may visit the medical institutions designated by competent authorities to request for counseling and HIV testing on their own initiative.

Medical personnel, except for the regulations of Paragraph 1 of Article 11, shall only collect blood of the individuals concerned for HIV testing upon consent of the individuals concerned and through counseling procedures.

#### Article 15-1

Under one of the following circumstances, for the need of medical care or emergency, medical personnel may collect specimens for HIV testing without the consent of the examinees or their legal proxies:

1. The sources of infection are suspected to cause duty practitioners, in their course of practicing their duties, expose to blood or body fluid that could have been infected by HIV viruses.
2. The examinees are unconscious and cannot express their wills.
3. Newborns of unknown mothers.

Due to the need of medical care or emergency, the minor when immediate consent of legal proxies cannot be obtained, with the consent of the persons concerned, medical personnel may collect specimens for HIV testing.

#### Article 16

The infected shall visit medical care institutions designated by the central competent authorities for treatment, regular examination and testing.

The infected, who refuse the treatment, regular examination and testing regulated in the preceding Paragraph, may be given lectures or supervisory education by municipality and county/city competent authorities.

For the infected, in the two years from confirmed diagnosis and medication initiation, the following expenses shall be totally subsidized by the central competent authorities:

1. HIV treatment-related expenses including diagnostic fees during outpatient and inpatient care.
2. Expenses of antiretroviral medications.
3. Pharmaceutical service fees on antiretroviral medications.
4. Laboratory service fees on tests for HIV viral load and CD4 cell count.
5. Other items designated by the central competent authorities.

Of expenses mentioned in the preceding paragraph, after the two years from confirmed diagnosis and medication initiation, the central competent authority shall budget for the infected's copayments, in addition to expenses of tests and medications not covered by the National Health Insurance.

For the subsidies mentioned in the two preceding Paragraphs, regulations concerning their subjects, procedures, annulment, and other matters shall be formulated by the central competent authority.

#### Article 17

Medical personnel, upon detection of remains of the infected, shall report within one week to the local competent authorities. Upon reporting, the local competent authorities shall assign medical care institutions to adequately handle the matter in accordance with the principles of infection control and prevention and the wishes of the families.

#### Article 18

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#### Article 19

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#### Article 20

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#### Article 21

Individuals who are fully aware that they are the infected have, by concealing the fact, unsafe sex with others or injections by sharing needles and syringes, diluted fluids or containers, and thus infect others, shall be sentenced for five years up to twelve years.

Individuals who are fully aware that they are the infected and supply blood or provide organs, tissues, body fluids or cells for transplantation or for use by others, and thus infect others, shall be sentenced the same. However for situations under the proviso of Paragraph 2 of Article 11, those individuals will not be subject to punishment.

Unaccomplished offenders of the preceding two Paragraphs shall be punished.

The definition of unsafe sex shall be formulated by the central competent authority following the relevant regulations outlined by the World Health Organization.

#### Article 22

Individuals in violation of the main texts of regulations of Paragraph 1 or Paragraph 2 of Article 11 shall be fined NT\$ 30,000 up to NT\$ 150,000; and if HIV infection is incurred in others, they shall be sentenced to three years up to ten years.

#### Article 23

A violation of Paragraph 3 of Article 11, Article 12, Article 14, Paragraphs 1 and 4 of Article 15, Article 15-1, or Article 17 is subject to a fine of NT\$30,000 up to NT\$150,000. However for situations under the proviso of Paragraph 1 of Article 12, those individuals will not be subject to punishment.

Medical personnel in violation of regulations of Article 13 shall be fined NT\$90,000 up to NT\$450,000.

Violation of Paragraph 1 or Paragraph 3 of Article 4, medical institutions in violation of regulations of Paragraph 3 of Article 12 shall be fined NT\$300,000 up to NT\$1,500,000.

Conditions of Paragraph 1 and preceding Paragraph, when necessary, competent authorities may order to improve in time; if improvement is not made in time, fine will be imposed by each time.

Medical personnel in serious violation of one of Paragraph 1 through Paragraph 3 shall be referred to the central competent authorities for punishment.

#### Article 24

Business locations in violations of the regulations of Article 10, if however, fail to make improvement within a set period of time, the business owner shall be fined NT\$ 30,000 up to NT\$ 150,000.

Individuals in violation of Paragraph 1 of Article 8 and yet refuse to attend lectures shall be fined NT\$ 10,000 up to NT\$ 50,000.

#### Article 25

The fines regulated by this Act shall be enforced by the municipality or county (city) competent authorities. Fines imposed pursuant to Article 23 may also be enforced by the central competent authority.

#### Article 26

Persons providing services to the infected or performing the work outlined in this Act with outstanding achievements shall be awarded and encouraged by the central competent authority.

Persons who have been infected with HIV through provision of services to the infected or performing the work outlined in this Act, their organizations (institutions) of employment shall offer them reasonable compensations; regulations governing the methods of compensation, amounts and other matters to be complied with shall be decided by the central competent authority.

#### Article 27

This Act shall be implemented on the day of announcement.

The amendments to Paragraph 3 and Paragraph 4 of Article 16 of this Act shall be implemented two years after the announcement.