



HIV LAWS BY STATE – OUTLINE

Below you will find a chart that we compiled based on the information gathered by The Center for HIV Law & Policy, which is available on their website at www.hivlawandpolicy.org. (NNEDV is not affiliated with The Center for HIV Law & Policy and please note that the laws listed may be subject to change at any time). The chart lays out various services and requirements surrounding working with a person living with HIV and indicates which states provide/require those services. First, we define each of the services/requirements that you will find in the chart.

INFORMED CONSENT

According to the 9th Edition of Black’s Law Dictionary, informed consent is “[a] patient’s knowing choice about a medical treatment or procedure, made after a physician or other healthcare provider discloses whatever information a reasonably prudent provider in the medical community would give to a patient regarding the risks involved in the proposed treatment or procedure. — Also termed **KNOWING CONSENT.**” Some states accept either oral or written consent.

ANONYMOUS TESTING

Some states offer anonymous HIV testing in which you can be tested without the results being attached to your name or other personal information. This may only be offered at specific locations, so be sure to ask if your testing facility offers anonymous testing before completing any paperwork and testing is conducted.

TESTING FOR MINORS

All 50 states allow minors to receive STI testing without parental consent. However, only 32 states allow minors to specifically consent to HIV testing without a parent. It is important to note that the age of minority varies from state to state for STI and HIV testing. Additionally, health care providers in many states may inform a minor’s parents of his or her HIV status but are not required to. Iowa is the only state that requires health care providers to notify the parents of a minor who tests positive for HIV.



PARTNER NOTIFICATION REQUIRED:

In some states, those who are HIV-positive must disclose their HIV status to sexual partners or needle-sharing partners, and individuals who fail to do so may face legal repercussions. HIV criminalization laws vary by state – review your specific state laws at hivlawandpolicy.org.

POST-TEST COUNSELING

Some states offer counseling after HIV testing. In some cases, counseling is only available for those that receive a positive test. It is also important to note that post-test counseling may be a requirement in your state.

CRIMINAL LAWS

Individuals living with HIV should be aware that, in most states, criminal laws have been instituted to prevent the spread of certain communicable diseases and criminalize behavior that willfully spreads HIV. Some laws are harsher than others. For instance, several states have laws that make knowingly transmitting HIV a felony, and some states even have provisions that denote harsh punishments for spitting or biting by an individual living with HIV. Consult with a lawyer in your state for more information on HIV criminalization laws.

	Informed Consent Required	Anonymous Testing Available	Minors Consent for Testing	Partner Notification Required	Post-test counseling	Criminal laws
Alabama			✓	✓	✓+	✓
Alaska			✓◇		✓+	✓
Arizona	✓	✓	✓◇	✓		
Arkansas			✓◇	✓		✓
California		✓	✓	✓	✓+	✓
Colorado	✓	✓	✓		✓	✓
Connecticut		✓	✓		✓+	
Delaware			✓	✓		✓
D.C.		✓	✓◇			



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	Informed Consent Required	Anonymous Testing Available	Minors Consent for Testing	Partner Notification Required	Post-test counseling	Criminal laws
Florida	✓	✓	✓		✓	✓
Georgia	✓	✓		✓	✓+	✓
Hawaii		✓			✓+	
Idaho			✓		-	✓
Illinois		✓	✓			✓
Indiana	✓	✓	✓	✓		✓
Iowa			✓	✓	✓+	✓
Kansas		✓	✓◇		✓+	✓
Kentucky		✓	✓		✓+	✓
Louisiana		✓	✓◇		-	✓
Maine	✓	✓	✓◇		✓+	
Maryland	✓	✓	✓◇		✓+	✓
Massachusetts		✓	✓◇		✓+	✓
Michigan		✓	✓	✓	✓	✓
Minnesota			✓◇			✓
Mississippi			✓		✓+	✓
Missouri		✓	✓◇		✓	✓
Montana			✓			✓
Nebraska		✓	✓◇	✓	✓+	✓
Nevada			✓		✓+	✓
New Hampshire			✓◇		✓+	✓
New Jersey		✓	✓			✓
New Mexico			✓		✓+	
New York	✓	✓	✓	✓	✓+	✓



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	Informed Consent Required	Anonymous Testing Available	Minors Consent for Testing	Partner Notification Required	Post-test counseling	Criminal laws
North Carolina			✓	✓	✓+	✓
North Dakota	✓		✓			✓
Ohio		✓	✓	✓	✓+	✓
Oklahoma			✓		✓+	✓
Oregon	✓	✓	✓			✓
Pennsylvania		✓	✓			✓
Rhode Island		✓	✓		✓+	✓
South Carolina			✓	✓		✓
South Dakota			✓◇			✓
Tennessee			✓			✓
Texas		✓	✓	✓	✓+	✓
Utah		✓		✓		✓
Vermont			✓			✓
Virginia	✓	✓	✓		✓+	✓
Washington		✓	✓	✓	✓+	✓
West Virginia		✓	✓◇			✓
Wisconsin	✓	✓	✓◇			✓
Wyoming			✓	✓	✓+	✓

◇ Allows minors to consent to STI testing but does not explicitly state HIV testing is included.

+ Post-testing counseling is only available to those that receive a positive test result.

- Information not available.