

109TH CONGRESS  
2D SESSION

# H. R. 6038

To provide for an effective HIV/AIDS program in Federal prisons.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 6, 2006

Ms. WATERS introduced the following bill; which was referred to the  
Committee on the Judiciary

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## A BILL

To provide for an effective HIV/AIDS program in Federal  
prisons.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Stop AIDS in Prison  
5       Act of 2006”.

6       **SEC. 2. COMPREHENSIVE HIV/AIDS POLICY.**

7       (a) IN GENERAL.—The Bureau of Prisons (herein-  
8       after in this section referred to as the “Bureau”) shall  
9       develop a comprehensive policy to coordinate HIV/AIDS  
10      testing, treatment, and prevention for inmates within the  
11      correctional setting and upon reentry.

1 (b) PURPOSE.—The purposes of this policy shall be  
2 as follows:

3 (1) To stop the spread of HIV/AIDS among in-  
4 mates.

5 (2) To protect prison guards and other per-  
6 sonnel from HIV/AIDS infection.

7 (3) To provide comprehensive, timely, and com-  
8 passionate medical treatment to inmates who are liv-  
9 ing with HIV/AIDS.

10 (4) To promote HIV/AIDS awareness and pre-  
11 vention among inmates.

12 (5) To encourage inmates to take personal re-  
13 sponsibility for their health, find out if they have  
14 been infected with HIV/AIDS, and reward behavior  
15 that reduces the risks of HIV/AIDS transmission.

16 (6) To reduce the risk that inmates will trans-  
17 mit HIV/AIDS to their spouses or other persons in  
18 the community following their release from prison.

19 (c) CONSULTATION.—The Bureau shall consult with  
20 appropriate officials of the Department of Health and  
21 Human Services, the Office of National Drug Control Pol-  
22 icy, and the Centers for Disease Control regarding the de-  
23 velopment of this policy.

1 (d) TIME LIMIT.—The Bureau shall draft appro-  
2 priate regulations to implement this policy within not more  
3 than 1 year from the enactment of this Act.

4 **SEC. 3. REQUIREMENTS FOR POLICY.**

5 The policy created under section 2 shall do the fol-  
6 lowing:

7 (1) TESTING AND COUNSELING UPON IN-  
8 TAKE.—

9 (A) Medical personnel shall provide routine  
10 HIV/AIDS testing to all inmates as a part of  
11 a comprehensive medical examination imme-  
12 diately following admission to a facility.

13 (B) Medical personnel shall provide imme-  
14 diate confidential, post-test counseling to all in-  
15 mates who test positive for HIV/AIDS.

16 (2) HIV/AIDS PREVENTION EDUCATION.—  
17 Medical personnel shall educate all inmates on the  
18 risk of HIV/AIDS transmission; promote HIV/AIDS  
19 awareness; and encourage behavior that reduces the  
20 risk of HIV/AIDS transmission through frequent  
21 and appropriate educational programs. This edu-  
22 cation shall include the risks of HIV/AIDS trans-  
23 mission through tattooing, sexual contact, and intra-  
24 venous drug use.

25 (3) VOLUNTARY HIV/AIDS TESTING.—

1 (A) Medical personnel shall allow inmates  
2 to obtain HIV/AIDS tests upon request once  
3 per year or whenever an inmate has a reason to  
4 believe the inmate may have been exposed to  
5 HIV/AIDS. Inmates shall be informed of their  
6 right to obtain these tests.

7 (B) Medical personnel shall encourage in-  
8 mates to request HIV/AIDS tests if the inmate  
9 is sexually active, uses intravenous drugs, or if  
10 the inmate is concerned that the inmate may  
11 have been exposed to HIV/AIDS.

12 (4) PROTECTION OF CONFIDENTIALITY.—In  
13 order to ensure inmate confidentiality and encourage  
14 inmates to seek HIV/AIDS tests without the knowl-  
15 edge or suspicion of other inmates, the Bureau of  
16 Prisons shall develop procedures for inmates con-  
17 fidentially to request HIV/AIDS counseling and  
18 tests. HIV/AIDS counseling and tests shall be pro-  
19 vided in a setting where other routine health services  
20 are provided and in a manner that allows the inmate  
21 to request and obtain these services as routine med-  
22 ical services.

23 (5) COMPREHENSIVE TREATMENT.—Medical  
24 personnel shall provide all inmates who test positive  
25 for HIV/AIDS—

1 (A) comprehensive medical treatment; and

2 (B) confidential counseling on managing  
3 their medical condition and preventing its  
4 transmission to other persons.

5 (6) TESTING, COUNSELING, AND REFERRAL  
6 PRIOR TO REENTRY.—

7 (A) Medical personnel shall provide routine  
8 HIV/AIDS testing to all inmates prior to their  
9 release and reentry into the community. (In-  
10 mates who are already known to be infected  
11 need not be tested again.)

12 (B) To all inmates who test positive for  
13 HIV/AIDS and all inmates who already are  
14 known to have HIV/AIDS, BOP medical per-  
15 sonnel shall provide—

16 (i) confidential prerelease counseling  
17 on managing their medical condition in the  
18 community, accessing appropriate treat-  
19 ment and services in the community, and  
20 preventing the transmission of their condi-  
21 tion to family members and other persons  
22 in the community; and

23 (ii) referrals to appropriate health  
24 care providers and social service agencies

1                   in the community that meet the inmate’s  
2                   individual needs.

3                   (7) OPT-OUT PROVISION.—If an inmate refuses  
4           a routine test for HIV/AIDS, medical personnel  
5           shall make a note of the inmate’s refusal in the in-  
6           mate’s confidential medical records. However, the in-  
7           mate’s refusal shall not be considered a violation of  
8           prison rules or result in disciplinary action.

9   **SEC. 4. CHANGES IN EXISTING LAW.**

10           (a) SCREENING IN GENERAL.—Section 4014(a) of  
11   title 18, United States Code, is amended—

12                   (1) by striking “for a period of 6 months or  
13           more”;

14                   (2) by striking “, as appropriate,”; and

15                   (3) by striking “if such individual is determined  
16           to be at risk for infection with such virus in accord-  
17           ance with the guidelines issued by the Bureau of  
18           Prisons relating to infectious disease management”  
19           and inserting “unless the individual declines. The  
20           Attorney General shall also cause such individual to  
21           be so tested before release unless the individual de-  
22           clines.”.

23           (b) SCREENING AS PART OF ROUTINE SCREENING.—  
24   Section 4014(e) of title 18, United States Code, is amend-  
25   ed by adding at the end the following: “Such rules shall

1 also provide that the initial test under this section be per-  
2 formed as part of the routine health screening conducted  
3 at intake.”.

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