

AIDS Prevention and Control Act

The Regulations became legally effective after public notification was made by the President on Dec. 17, 1990

An amendment of the Regulations comprising the addition of Article 6-1 and Article 8-1 and the revision of Article 5, 6, 7, 9 and 14 became legally effective after public notifications of the amendment was made by the President on Dec. 30, 1997

Another amendment comprising the revision of Article 9 became legally effective after the amendment notification by the President on April 21, 1990

A further amendment comprising the revision of Article 3 became legally effective after the amendment notification by the President on Jan. 19, 1990

A further amendment of the Regulations comprising the addition of Article 14-1 and the revision of Article 10 and 14 became legally effective after the amendment notification by the President on July 19, 2000

Article 1. The Regulations are established to prevent and deter the infection of AIDS and to ensure the well-being of the people in Taiwan. Other laws and regulations may be applicable to areas which are not covered and addressed in the Regulations.

Article 2. AIDS is the acronym for acquired immune deficiency syndrome. AIDS is caused by the human immunodeficiency virus or HIV. The definition of an HIV-infected individual shall be determined by the health agency of the central government.

Article 3. The health agencies include the health agency of the central government and the health agencies of the city governments, county governments and local governments.

Article 4. An institute dedicated to the prevention and study of AIDS is to be established by the health agency of the central

government.

Article 5.

Item 1 If a medical institution discovers that a person is infected with HIV or a deceased person had HIV, that medical institution is obligated to report these cases to the health agency of the local government within 24 hours.

Item 2 After that local health agency receives the report, it shall immediately designate a medical institution to handle it.

Item 3 Each corpse infected with HIV shall be properly sterilized or disinfected by a medical institution or the corresponding health agency of the local government. A postmortem exam or a pathological exam may be carried out if the deceased person's relatives demand it or if it is necessary. All corpses infected with HIV should be cremated.

Article 6. All government health agencies, medical institutions, healthcare workers, etc. shall be obligated not to reveal the name and medical history of any person infected with HIV.

Article 6-1.

Item 1 HIV-infected individuals shall not be discriminated against, and the rights of such individuals shall not be deprived. For example, such individuals shall not be treated in the areas of schooling, medical care, employment, etc. in a discriminatory or unjust manner. Without explicit consent or approval from an HIV-infected individual, he or she may not be filmed, his or her

photo may not be taken, and his or her words may not be recorded.

Item 2 However, to prevent such HIV-infected individuals from infecting others with HIV, the health agency of the central government allows that certain limitations or restrictions may be applied regarding that person's employment.

Article 7. The health agency of the central government may entrust medical institutions and research institutions to carry out HIV testing and treatment. Expenses shall be paid for by the National Health Insurance Bureau.

The health agency of the central government shall provide additional compensation to all personnel whose jobs are related to HIV treatment.

Article 8.

Item 1 The health agencies of city governments, county governments, and local governments may notify the following individuals to receive an HIV test at a specified medical institution free of charge. If any of these individuals fail to appear for the test within the time frame specified, the corresponding health agency shall be entitled to compel them to do so.

1. A person who has been reported or identified as an HIV-infected individual or an individual who is suspected of contracting HIV.
2. A person who has lived or has been living with an HIV-infected individual or had sexual contact with an HIV-infected individual.

3. A person who has been designated by the health agency of the central government to receive an HIV test.

Item 2 The categories of persons described may be determined by the health agency of the central government and public notification shall be made of the categories.

Item 3 Alternatively, the persons described in 1, 2 and 3 may voluntarily go to a specified medical institution to receive an HIV test for free.

Article 8-1. Regulations governing blood donations from individuals who have been notified to receive an HIV test shall be established by the health agency of the central government and will become effective after promulgation.

Article 9.

Item 1 Each HIV-infected individual is obligated to reveal or disclose the source of HIV infection and the names of the persons that he or she had sexual contact with. Also, when such HIV-infected individuals seek medical assistance, he/she shall inform the relevant healthcare workers that he/she has been infected with HIV.

Item 2 Health agencies of the city governments, county governments and local governments shall investigate who has been infected with HIV, the source(s) of HIV, and who has had sexual contact with an HIV-infected individual.

Item 3 Persons who have been arrested for pimping, molestation,

and sex crimes should receive instruction about the prevention of HIV and STDs (sexually transmitted diseases).

Article 10. Health agencies of the city governments, county governments and local governments may notify individuals who have proved to be infected with HIV to receive an HIV test or observation, free of charge at a specified medical institution. Such health agencies may compel such individuals to do so or segregate such individual if necessary. When any of the health agencies of city governments, county governments and local governments carries out any of the aforesaid, each HIV-infected individual shall be treated in a respectful manner, and the privacy of such individuals shall not be violated.

Article 11. The health agency of the central government will reward each healthcare worker who demonstrates significant accomplishment in implementing the Regulations. In addition, the health agency of the central government shall provide reasonable compensation to each healthcare worker who has contracted HIV when implementing the Regulations.

Article 12. Health agencies of the city governments, county governments and local governments shall carry out education and promotion of HIV prevention; also, other governmental agencies, schools, media, etc. shall assist such health agencies in the education and promotion of HIV prevention.

Article 13.

Item 1 The following persons will be screened for HIV:

1. Donors whose blood will be used for transfusion.
2. Donors whose blood will be made into blood related fluids.
3. Organs, tissues, bodily fluids and cells that will be used for transplants.

Item 2 If any of the aforesaid items tests HIV positive, they must not be used.

Item 3 However, in an urgent situation, blood drawn from donors that will be used for transfusion as described may not undergo HIV screening.

Article 14. The health agency of the central government shall be entitled to compel any foreign national who enters this country or who has lived in this country for three months or longer to receive an HIV test, or ask the person to submit an HIV test report that was performed in the past three months.

If such a foreign national is tested to be HIV positive, the health agency of the central government shall be entitled to order him or her to leave the country. That person may petition a review only after he/she leaves the country.

If that foreign national refuses to take an HIV test, the health agency of the central government shall be entitled to order such person to leave the country. The regulations governing such petitions will be set up by the health agency of the central government.

Article 14-1 If a foreign national tests HIV negative and then becomes HIV positive due to contact with their spouse or a citizen of Taiwan or while receiving medical treatment in a medical institution, that person's case will be handled as if she/he were a citizen of Taiwan.

Article 15.

Item 1 If a person has contracted HIV and has sexual intercourse without telling his or her sexual partner that fact or shares a syringe needle with another individual without telling that individual that fact, that person will receive a prison sentence of up to 7 years.

Item 2 If a person knows he has contracted HIV and provides any of his organs, tissues, bodily fluids, cells, etc. to be used for transplant or transfusion and in turn causes another individual to contract HIV, that person will receive a prison sentence of up to 7 years.

Item 3 If a person attempts either of the aforesaid, she/he will be penalized.

Item 4 The list of high-risk sexual activities shall be defined by the health agency of the central government according to the relevant documents made by the WHO (World Health Organization).

Article 16. Healthcare workers who fail to screen blood drawn from donors for HIV, as described in Article 1 and 2, will receive a prison sentence of up to three years.

Article 17.

Item 1 If a person violates Article 5 Item 1, Article 6, Article 6-1 Item 1 or Item 2, Article 13 Item 1 or Item 2, or fails to follow the specifications set up by the health agency of the central government according to Article 8-1, or refuses to receive an HIV test or treatment as mandated in Article 10, that person will be fined between NT\$ 30,000 and NT\$ 150,000.

Item 2 If a person violates Article 5 Item 3, that person may be fined between NT\$ 30,000 and NT\$ 150,000.

Item 3 If a medical doctor violates either Item 1 or Item 2 in a serious manner, that doctor will be subject to penalties imposed by the health agency of the central government.

Article 18. If a person refuses to be tested in accordance with Article 8 Item 1, refuses to provide the infection source or the name of the individual(s) with whom that person has sexual contact, or refuses investigation or instruction in accordance with Article 9, that person will be fined up to NT\$ 30,000.

Article 19. The fines mandated by the Regulations will be implemented by the health agencies of city governments or county governments.

Article 20. If a person fails to pay a fine mandated by the Regulations and still fails to pay it after being notified by a health agency, that case will be transferred to a Court of Law, compelling that person to pay it.

Article 21. The Regulations Governing the Implementation of AIDS Prevention shall be established by the health agency of the central government and shall then be sent to the Executive Yuan for approval.

Article 22. The Regulations will become effective immediately.