



NEW YORK STATE SENATOR

Thomas K. Duane

NYS Senator Tom Duane's Historic HIV Testing Legislation Signed into Law

THOMAS K. DUANE July 30, 2010

**Statement of New York State Senator Tom Duane
RE: Governor Paterson's signing of S.8227 (Duane) / A.11487 (Gottfried)
which will greatly expand voluntary, informed testing for HIV**

I want to commend Governor Paterson for signing this landmark legislation that will make HIV testing routine in all health care settings and simplify the process of securing patients' informed consent prior to the test.

With the enactment of the legislation, New York has taken a tremendous step towards ensuring that all its residents have knowledge of their HIV status, know how to prevent new infections, and have access to necessary treatment and care so that we can finally stem the spread of this deadly disease.

In recent years, differences of opinion have stalled sound legislative proposals to amend the State's Public Health Law to increase voluntary HIV testing. I have never wavered in my commitment to this goal, nor in my faith in the good intentions of all involved. This year I was able to bring together concerned legislators, HIV/AIDS advocates, as well as many medical and public health professionals, who recognized that our collective failure to confront this public health crisis is unacceptable. We put an end to past divisiveness and

coalesced around a series of measures we can all support.

I appreciate the partnership of New York State Assembly Health Committee Chair Dick Gottfried, who carried the bill in that chamber, as well State Assembly Member Darryl Towns among other legislators who were key allies in our efforts. This milestone victory could not have been achieved without the leadership and collaboration of Legal Action Center, GMHC, Harlem United Community AIDS Center, National Black Leadership Commission on AIDS, Latino Commission on AIDS, and many other advocacy organizations. The support of New York City Department of Health and Mental Hygiene Commissioner Thomas Farley, M.D. was also critical to securing the bill's passage.

We know from pilot programs and studies that by making the offer of HIV testing a routine part of medical care for patients aged 13-64, we will dramatically increase the number of New Yorkers who know their status, and will simultaneously reduce stigma surrounding testing, and around HIV/AIDS in general.

Among its other advantages this new law also allows for oral informed consent in cases when the test being performed is a rapid HIV test, improves linkages to care for those who test HIV positive, provides new protections for victims of occupational exposure, and authorizes state and local public health departments to use aggregate HIV information from mandated HIV/AIDS case reports for disease monitoring and program planning purposes.

New York State has long been at the forefront of the fight against HIV/AIDS. There is no question we face many challenges ahead, but today New York has again taken a concrete, historic step towards an end to the epidemic.