

## **RUSSIAN FEDERATION**

### **FEDERAL LAW ON THE PREVENTION OF THE SPREAD IN THE RUSSIAN FEDERATION OF DISEASES CAUSED BY THE HUMAN IMMUNODEFICIENCY VIRUS (HIV-INFECTION)**

Noting that the disease caused by the Human Immunodeficiency Virus (HIV-infection), is spreading massively around the world, remains incurable and leads to inevitable death, thereby creating a threat to the existence of humanity, causes heavy socio-economical and demographic consequences for the country, represents a problem of personal, social, and state security, demands protection of the legal rights and interests of the population, and also taking into consideration the necessity of employing timely, effective measures of comprehensive prophylactics, the State Duma of the Federal Council of the Russian Federation passes this Federal Law.

#### **CHAPTER 1. GENERAL PROVISIONS**

##### **Article 1. Basic concepts**

In this Federal Law, the following concepts are applied:

HIV-infection: A disease caused by the Human Immunodeficiency Virus;

HIV-infected: Individuals infected with the Human Immunodeficiency Virus;

##### **Article 2. Legislation of the Russian Federation on the Prevention of the Spread of HIV-Infection**

1. Legislation of the Russian Federation on the prevention of the spread of HIV-infection consists of this Federal Law and of other federal laws and normative legal deeds in effect and passed in accordance with it and also laws and other normative legal deeds of the component jurisdictions of the Russian Federation.

2. Federal laws and other normative legal deeds and also laws and other normative legal deeds of the component jurisdictions of the Russian Federation cannot restrict the rights of citizens of the Russian Federation or reduce guarantees provided for by this Federal Law.

3. In the event that international treaties of the Russian Federation establish rules other than this Federal Law, the rules of corresponding international treaties apply.

##### **Article 3. Application of this Federal Law**

This Federal Law covers citizens of the Russian Federation, foreign citizens, and stateless persons located on the territory of the Russian Federation, and also applies in relation to enterprises, institutions, and organizations registered in an established procedure on the territory of the Russian Federation, regardless of their organizational and legal form.

##### **Article 4. The Guarantees of the State**

1. The State guarantees:

Regular information for the populace, including through the mass media, on available ways of preventing HIV-infection;

Epidemiological surveillance of the spread of HIV-infection on the territory of the Russian Federation;

Production of methods for prevention, diagnosis, and treatment of HIV -infection, and also control of the safety of medical preparations, biological fluids and tissues used for diagnostic, curative, and scientific purposes;

Availability of medical examination for the detection of HIV-infection (hereafter medical examination), including anonymous, with pre- and post-test counseling, and ensuring the safety of such testing for both the tested and the testing person;

Free provision of all forms of qualified and specialized medical care to HIV-infected citizens of the Russian Federation, free drugs received by them during outpatient and inpatient treatment, and also free return transportation to the place of treatment within the Russian Federation;

Development of scientific research on problems of HIV infection;

Inclusion of questions on moral and sexual upbringing in the curricula of educational institutions;

Social welfare and assistance for HIV-infected citizens of the Russian Federation, their receipt of education and their retraining and employment;

Training of personnel for the realization of measures to prevent the spread of HIV-infection;

Development of international co-operation and the regular exchange of information in the framework of international programmes to prevent the spread of HIV-infection;

2. Implementation of these guarantees is the responsibility of the federal organs of executive power, organs of executive power of the component jurisdictions of the Russian Federation and organs of local authority in accordance with their competence.

## **Article 5. Guarantees of the Observance of Rights and Freedoms of HIV-Infected Individuals**

1. HIV-infected citizens of the Russian Federation possess all rights and freedoms and carry obligations in accordance with the constitution of the Russian Federation, legislation of the Russian Federation, and legislation of the component jurisdictions of the Russian Federation

2. Restriction of the rights and freedoms of citizens, related to them having HIV-infection, is permissible only in cases stipulated in this Federal Law.

## **Article 6. Financing of Activities to Prevent the Spread of HIV-Infection**

1. The financing of federal, regional, and local carpeted programmes, and also activities of enterprises, institutions, and organizations for the prevention of the spread of HIV-infection, treatment and social protection of HIV-infected individuals is fulfilled at the expense of:

Resources from the federal budget, resources of budgets of the component jurisdictions of the Russian Federation;

Resources of targeted funds;

Resources directed toward voluntary medical insurance;

Other sources of funding not prohibited by legislation of the Russian Federation.

2. State funding of activities for the prevention of the spread of HIV-infection is considered a priority as a problem of the protection of the personal security of citizens, as well as the security of society and the state.

## **CHAPTER II. MEDICAL TESTING OF CITIZENS AND MEDICAL CARE FOR HIV-INFECTED INDIVIDUALS**

### **Article 7. Medical Testing of Citizens**

1. Medical examination for the detection of HIV-infection includes corresponding laboratory research, is conducted in institutions of state, or municipal, or private systems of health care, having received a license for such activity in a procedure established by the Russian Federation.
2. The issuance of an official document about the presence or absence of HIV-infection in the tested individual is carried out only in institutions of the state or municipal systems of health care.
3. Medical examination of citizens is conducted voluntarily, excluding cases stipulated in Article 9 of this Federal Law, when such testing is mandatory.
4. An individual undergoing medical examination has the right to have his or her legal representative present, the official registration of representation is conducted in accordance with procedure established by civil legislation of the Russian Federation.
5. Medical examination of minors up to the age of 14 years and of individuals declared in a procedure established by law as incompetent can take place at the request or with the consent of their legal representatives.
6. The legal representatives of minors up to the age of 14 years, and of individuals declared in a procedure established by law as incompetent, have the right to be present during the medical testing.
7. During the medical examination of citizens pre- and post-test counseling is provided on prevention of contraction of HIV-infection.
8. In institutions of state and municipal health care systems the medical examination of citizens of the Russian Federation is conducted free of charge.
9. Carrying out medical examination is permitted for medical workers who have completed special training, proven their qualifications and received permission for this type of activity, in accordance with legislation passed by the Russian Federation on the protection of the health of citizens.

### **Article 8. Voluntary Medical Examination**

1. Medical testing in institutions of state, or municipal, or private health care systems is conducted voluntarily at the request of the individual being examined or with his or her consent.
2. According to the wish of the individual being examined, voluntary medical examination can be anonymous.

### **Article 9 Mandatory Medical Examination**

1. Donors of blood, biological fluids, organs and tissue are subject to mandatory medical examination.
2. Individuals who refuse mandatory medical examination cannot be donors of blood, biological fluids, organs and tissue.
3. Workers of specific professions, production, enterprises, institutions and organizations, a list of which is confirmed by the Government of the Russian Federation, undergo mandatory medical examination for the detection of HIV-infection, preliminary mandatory when applying for work and periodically as part of medical examinations.

4. Rules, according to which mandatory examination of individuals is implemented, is established by the Government of the Russian Federation and is reviewed by it not less than once every five years.

5. Rules for the mandatory examination of individuals located in places of confinement is established by the Government of the Russian Federation and is reviewed by it not less than every five years.

#### **Article 10. Conditions for Entering and Being in the Russian Federation for Foreign Citizens and Stateless Persons**

1. Diplomatic representation or consulate institutions of the Russian Federation give out a Russian visa for entry to the Russian Federation to foreign citizens and stateless persons, coming to the Russian Federation for a period more than three months, on the condition of presentation by them of a certificate of absence of HIV-infection, unless otherwise established by international agreements and agreements of the Russian Federation.

2. The requirements for the indicated certificate is established by the Government of the Russian Federation.

#### **Article 11 Consequences of Detection of HIV-Infection**

1. Citizens of the Russian Federation in the event of detection of infection with HIV-infection cannot be donors of blood, biological fluids, organs and tissues.

2. In the event of the detection of HIV-infection in foreign citizens and stateless persons located on the territory of the Russian Federation, they face deportation from the Russian Federation according to legislation established by the Russian Federation, unless otherwise provided for by international agreements and agreements of the Russian Federation.

#### **Article 12. The Right to a Second Medical Examination**

An individual having undergone medical examination, has the right to a second medical examination in the same medical institution and also in another institution of state, or municipal, or private health care system of his or her choice, regardless of the period of time since the last examination.

#### **Article 13. The Right of an HIV-Infected Individual to Receive Information about the Results of Medical Examination**

1. An individual, in relation to whom is definitely established the fact of infection with HIV-infection, is informed by the corresponding worker of the institution which carried out the medical examination about the results of the examination and the necessity of observing precautionary measures with the goal of elimination of the spread of HIV infection, about guarantees of the observation of the rights and freedoms of HIV-infected individuals, and also about criminal liability for putting someone else at risk of infection or infecting someone else.

2. In the event of detection of HIV-infection in minors up to the age of 18 years, and also in individuals declared in a procedure established by law as incompetent, the appropriate workers of the institutions, specified in the first part of this article, inform parents or other legal representatives of the specified individuals of this fact.

3. The procedure for informing about infection with HIV-infection, provided in the first and second parts of this article, are established by the federal organs of the health department.

**Article 14. The Rights of HIV-Infected Individuals upon Provision to them of Medical Care**HIV-infected individuals are provided on a common basis with all types of medical care in accordance with clinical indications, and they enjoy all rights provided for by the legislation of the Russian Federation on the protection of the health of citizens.

**Article 15. Prophylaxis, Diagnosis, and Treatment of HIV-Infection**

The federal organs of the department of the state system of health care and science support the development and implementation of modern methods of prophylactics, diagnostics and treatment of HIV-infection, and also present for the confirmation of the Government of the Russian Federation a draft of a federal targeted programme directed toward the prevention of the spread of HIV-infection in the Russian Federation.

**Article 16. Obligations of the Administration in Institutions of State, Municipal, and Private Systems of Health Care upon Provision of Medical Care to HIV-Infected Individuals**

The administration of institutions of state, municipal, and private systems of health care, providing outpatient and inpatient medical care, is obliged to create conditions for the realization of the rights of HIV-infected individuals provided for by this federal law, and also for prevention of the spread of HIV-infection.

**CHAPTER III. THE SOCIAL PROTECTION OF HIV-INFECTED INDIVIDUALS AND MEMBERS OF THEIR FAMILIES**

**Article 17. Ban on Curtailment of Rights of HIV-Infected Individuals**

Dismissal from work, refusal to provide employment admission to educational institutions and institutions providing medical care, and the infringement of other rights and legitimate interests of HIV-infected individuals on the basis that they have HIV-infection, as well as infringement of rights to accommodation and other rights and legitimate interests of members of families of HIV-infection individuals, are not allowed if not otherwise stipulated in this Federal Law.

**Article 18. The rights of Parents or Guardians, the Children of whom are Infected with HIV-Infection**

1. Parents or guardians, the children of whom are infected with HIV-infection, have the right to stay with their children up to the age of 15 years in the inpatient ward of the institution providing medical care, with payment for this period of benefits according to government social insurance;

Free return transportation for one of the parents or guardians accompanying HIV-infected minors up to the age of 16 years to the place of treatment;

Prevention of general and uninterrupted work service by one of the parents or guardians, in the event of his or her release from work to look after an HIV-infected minor up to the age of 18 years, on the condition of his or her return to work up until the minor reaches the specified age, in accordance with labour legislation passed by the Russian Federation;

Priority provision of living accommodations in buildings of a state, municipal, and social housing fund in the event they require an improvement in living conditions and if an HIV-infected minor up to the age of 18 lives together with them.

2. The laws and other normative legal deeds of the component jurisdictions of the Russian Federation may establish other measures of social protection of HIV-infected individuals and members of their families.

#### **Article 19. Social Protection of HIV-Infected Minors**

HIV-infected minors up to the age of 18 years are allocated a social pension, benefits and privileges established for invalid children by legislation of the Russian Federation, and individuals caring for HIV-infected minors are paid benefits for caring for an invalid child in a procedure established by the legislation of the Russian Federation.

#### **Article 20. Compensation for Harm to the Health of Individuals Infected with HIV-Infection by Medical Workers of the Institutions Providing Medical Care**

Compensation for harm to the health of individuals contaminated with HIV-infection as a result of the improper fulfillment of service duties by medical workers of institutions providing medical care, is conducted according to procedure established by the civil legislation of the Russian Federation.

### **CHAPTER IV. SOCIAL PROTECTION OF INDIVIDUALS EXPOSED TO THE RISK OF CONTAMINATION WITH HIV-INFECTION, WHILE FULFILLING THEIR DUTIES**

#### **Article 21. Mandatory State Insurance**

Workers of enterprises, institutions, and organizations of state and municipal systems of health care, providing diagnosis and treatment of HIV-infected individuals, and also individuals, the work of whom is connected with materials containing the human immunodeficiency virus, are subject to mandatory state insurance in case of contamination with HIV -infection during the fulfillment of their official duties, and also in case of the advent connected with this of invalidity or death from diseases related to the development of HIV-infection.

The categories of workers subject to mandatory state insurance, the procedure of insurance, and the amounts of payments, are established by the government of the Russian Federation.

#### **Article 22. Privileges in the Area of Work**

Workers of enterprises, institutions, and organizations of state and municipal systems of health care providing diagnosis and treatment of HIV-infected individuals, and also individuals, the work of whom is connected with materials containing the human immunodeficiency virus, are paid an addition to the official salary rate, and receive a reduced working day, and an additional vacation for work in particularly dangerous labour conditions. The procedure for providing the specified privileges is defined by the government of the Russian Federation.

### **CHAPTER V. CONCLUDING PROVISIONS**

#### **Article 23. The State Control**

State control of the activity of the physical and juridical persons directed toward the realization of measures to prevent the spread of HIV-infection is conducted within the limits of their competency

by federal organs of executive power, organs of executive power of the component jurisdictions of the Russian Federation, and organs of local authority.

**Article 24. Liability for Violation of this Federal Law**

Violation of this Federal Law entails disciplinary, administrative, criminal and civil legal liability in established procedure.

**Article 25.**

The President of the Russian Federation and the Government of the Russian Federation should bring their normative legal deeds into accordance with this federal law until 1 July 1995.

**Article 26.** This Federal Law takes effect from 1 August 1995.

PRESIDENT OF THE RUSSIAN FEDERATION

B. Yeltsin

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