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Article Content

Title : [HIV Infection Control and Patient Rights Protection Act](#) (2007.07.11 Amended) [Ch](#)

- Article 1 To prevent the infection and spread of human immunodeficiency virus (HIV) infection, to maintain the health of the population, and to protect the rights of the infected, this Act is specifically formulated.
- Article 2 The "competent authorities" mentioned in this Act mean the Department of Health, the Executive Yuan at the central level; the municipality governments at the municipality level; and the county (city) governments at the county (city) level.
- Article 3 The individuals infected with HIV (hereafter referred to as the infected) mentioned in this Act mean those infected by the said virus with and without progression to acquired immunodeficiency syndrome (AIDS).
- Article 4 The dignity and the legal rights of the infected shall be protected and respected; there shall be no discrimination, no denial of education, medical care, employment, nursing home, housing or any other unfair treatment; regulations governing the protection of their relevant rights shall be formulated by the central competent authority in consultation with various central competent enterprise authorities. To prevent the spread of HIV to others, the central competent authority may impose certain necessary regulations on the practice of the jobs that the infected are engaged in. No recording, videotaping, photographing shall be made of the infected without their consent.
- Article 5 The central competent authority shall invite groups promoting the rights and the interests of the infected, private sector institutions, scholars and experts, and representatives of various competent enterprise authorities to participate in the promotion of matters concerning HIV infection control and protection of the rights of the infected; of them, the number of representatives of a single sex shall not constitute less than one-third of the total participants; the number of representatives from groups promoting the rights and the interests of the infected, private sector institutions, scholars and experts shall not constitute less than one-half of the total participants. The matters concerning infection control and human rights protection mentioned in the preceding Paragraph include:
1. program planning and integration, counseling, promotion pertaining to HIV infection control and protection of the rights and the interests of the infected;
 2. accepting and processing settlement concerning infringement on the rights and the interests of the infected;
 3. formulation of regulations governing protection of the rights and the interests and coordination of settlement concerning infringement on the rights and the interests of the infected and other matters to be complied with.
- Representatives of the groups promoting the rights and the interests of the infected, and private sector institutions mentioned in Paragraph 1 shall be initially recommended by the various registered private sector institutions, groups, and invited by the competent authorities.
- Article 6 The central competent authority may designate medical institutions and research institutes to conduct HIV testing, prevention and treatment; the central competent authority shall allocate budget for such activities; the payment may be entrusted to the Bureau of National Health Insurance. Regulations governing to whom the expenses for HIV testing, prevention and treatment mentioned in the preceding Paragraph shall be paid, the amount, the procedures and other matters to be complied with shall be decided by the central competent authority.
- Article 7 Competent authorities shall conduct education programs and promotion campaigns on the prevention and control of HIV. The various central competent enterprise authorities shall devise annual plans detailing education programs and promotion campaigns; the contents of such plans shall be sex-conscious and shall focus on anti-discrimination; the plans shall be implemented with the assistance of organizations, schools, groups and mass media.

- Article 8 Individuals with any of the following conditions shall attend lectures on the prevention and control of HIV and other sexually-transmitted diseases:
1. found to use or traffic drugs;
 2. found to have sexual intercourse or indecent behavior with others with intention to profit;
 3. found to have sexual intercourse or indecent behavior with individuals mentioned in the preceding Subparagraph.
- Regulations governing the curricula, hours, implementation units of the lectures mentioned in the preceding Paragraph and other matters to be complied with shall be decided by the central competent authority.
- Article 9 To prevent HIV transmission to others through sharing of needles and syringes, diluted fluid or containers, when necessary, competent authorities may establish mechanisms for supply, exchange, recall of needles and syringes, and use controlled drugs as replacement therapy for drug addicts; regulations governing the target groups, methods, contents, implementation institutions and other matters to be complied with shall be decided by the central competent authority.
- Individuals in possession of needles and syringes or controlled drugs while participating in the mechanisms mentioned in the preceding Paragraph shall not bear any criminal responsibility.
- Article 10 Hotel and spa owners shall provide condoms and liquid lubricant at the business locations.
- Article 11 Individuals who are to carry out any of the following activities shall undergo prior HIV testing:
1. donating blood for the use and transfusion of others;
 2. manufacturing blood products;
 3. performing transplantation of organs, tissues, body fluids or cells.
- If the individual is tested to be HIV positive, his/her blood shall not be used.
- Medical institutions shall report HIV-positive individuals to competent authorities.
- When there is a need for emergency blood transfusion and HIV testing cannot be performed in advance, the restrictions of Subparagraph 1, Paragraph 1, shall not apply.
- Article 12 The infected have the obligations to provide information regarding the sources of infection or contacts; when under medical care, they shall inform the medical personnel that they have been infected with HIV.
- Competent authorities may conduct investigations of the infected and their sources of infection or contacts. When conducting investigations, however, the dignity and privacy of the infected shall not be trespassed.
- After the infected provide with the fact of their infection, medical institutions and medical personnel shall not refuse to provide medical services.
- Article 13 Medical personnel, upon detection of the infected, shall report to the local competent authorities within 24 hours; the procedures and the contents for reporting shall be decided by the central competent authority.
- Competent authorities, for the need of transmission prevention and medical care, may request medical institutions, physicians or forensic medicine physicians for relevant testing results and treatment of the infected within a specified deadline; medical institutions, physicians or forensic medicine physicians shall not refuse, evade or obstruct.
- Article 14 Competent authorities, medical institutions, medical personnel and other persons who are in possession of information such as names and medical records of the infected through their business, except by the regulations of laws or for the needs of transmission prevention and medical care, shall not release such information.
- Article 15 Competent authorities shall notify the following individuals to attend counseling and undergo HIV testing at designated medical institutions:
1. individuals being reported, detected of HIV infection or suspected of HIV infection;
 2. individuals practicing unsafe sexual behavior with the infected, sharing needles and syringes, diluted fluid, containers, or any other unsafe behaviors;
 3. individuals identified to be HIV positive and reported by medical institutions in accordance with Paragraph 3 of Article 11;
 4. individuals transfused or transplanted with blood, organs, tissues, body fluid of the infected;
 5. other individuals deemed necessary for testing by the central competent authority.
- Costs of the HIV testing mentioned in the preceding Paragraph shall be budgeted by the central competent authority and the various central competent enterprise authorities; the coverage for the HIV testing mentioned in Subparagraph 5 of the preceding Paragraph shall be announced by the central competent authority.
- Individuals mentioned in Paragraph 1 may visit the medical institutions designated by competent authorities to request for counseling and HIV testing on their own initiative.
- Medical personnel, except for the regulations of Paragraph 1 of Article 11, shall only collect blood of the individuals concerned for HIV testing upon consent of the individuals concerned and through counseling procedures.

- Article 16 Competent authorities shall notify individuals who have been tested and confirmed of HIV infection to visit the designated medical care institutions for medical treatment or regular periodic examinations for symptoms.
Targets for the preceding Paragraph shall include alien spouses (including the mainland China, Hong Kong and Macau) and nationals residing in the Taiwan Area without household registration who have been infected by their native spouses or through the process of receiving medical care .
Costs for the HIV testing and treatment mentioned in the preceding two Paragraphs shall be budgeted by the central competent authority; payments for the costs of treatment and the related regulations shall be formulated by the central competent authority.
Competent authorities, when executing the regulations of Paragraph 1 and Paragraph 2, shall be cautious of their attitude and means, respect the dignity and autonomy of the infected, and maintain and protect the privacy of the infected.
- Article 17 Medical personnel, upon detection of remains of the infected, shall report to the local competent authorities within 24 hours; local competent authorities, upon receipt of such a report, shall immediately designate a medical care institution for appropriate management based on the needs of disease control practices and the opinions of the family.
- Article 18 The central competent authority may impose examination measures upon aliens, citizens of the mainland China, residents of Hong Kong or Macau who have entered the country (border) and stayed for more than three months or resided, or require them to submit test reports for HIV antibodies of the last three months.
If the test result is positive, the central competent authority shall notify the Ministry of Foreign Affairs or the immigration office to revoke or annul their visas or permits of stay or residence, and order them to leave the country (border).
- Article 19 Individuals who are ordered to leave the country (border) by regulations of the preceding Article, when reapplying for visas or permits of stay or residence, the Ministry of Foreign Affairs and the immigration office may issue such applicants short-term visas or residence permits for no more than once per quarter and no more than fourteen days at one time; no application for extension shall be accepted; during their stay, if there are violations of the regulations of this Act, their applications for re-entry thereafter shall not be accepted.
For targets mentioned in the preceding Paragraph, during their permission to stay, the regulations of Paragraph 1, Article 6, do not apply.
- Article 20 Individuals ordered to leave the country (border) in accordance with the regulations of Paragraph 2 of Article 18, if they are infected by their native spouses or infected through the process of receiving medical care in the country, and the citizens without household registration who have relatives within the second degree of kinship who have household registration in Taiwan, may petition in writing to the central competent authority.
The petition mentioned in the preceding Paragraph shall be requested for once only, and shall be made within six months after leaving the country (border); it must be submitted by those who have not left the country (border). During the petition process, they may not leave the country (border) temporarily.
When the petition is affirmed to accord with the regulations of the two preceding Paragraphs, the central competent authority shall notify the Ministry of Foreign Affairs or the immigration office that the positive result to HIV antibody testing may not be used as the sole reason to deny their applications when processing the applications for visas, permits for stay, residence or permanent residence of the petitioners.
- Article 21 Individuals who are fully aware that they are the infected have, by concealing the fact, unsafe sex with others or injections by sharing needles and syringes, diluted fluids or containers, and thus infect others, shall be sentenced for five years up to twelve years.
Individuals who are fully aware that they are the infected and supply blood or provide organs, tissues, body fluids or cells for transplantation or for use by others, and thus infect others, shall be sentenced the same.
Unaccomplished offenders of the preceding two Paragraphs shall be punished.
The definition of unsafe sex shall be formulated by the central competent authority following the relevant regulations outlined by the World Health Organization.
- Article 22 Individuals in violation of regulations of Paragraph 1 or Paragraph 2 of Article 11 shall be fined NT\$ 30,000 up to NT\$ 150,000; and if HIV infection is incurred in others, they shall be sentenced to three years up to ten years.
- Article 23 Individuals in violation of Paragraph 3 of Article 11, Article 12, Article 13, Article 14, Paragraph 1 and Paragraph 4 of Article 15, and Article 17, or refusing medical examinations or treatment regulated in Article 16, shall be fined NT\$ 30,000 up to NT\$ 150,000.
Individuals in violation of Paragraph 1 or Paragraph 3 of Article 4, and medical institutions in violation of regulations of Paragraph 3 of Article 12, shall be fined NT\$ 300,000 up to NT\$ 1,500,000.
For the conditions described in the two preceding Paragraphs, competent authorities may order

individuals or medical institutions for improvement within a set period of time; if improvement is not made in due time, punishment shall be administered at each delay.

Medical personnel in serious violations with one of the conditions in Paragraph 1 and Paragraph 2 shall be referred to the central competent authority for disciplinary action.

- Article 24 Business locations in violations of the regulations of Article 10, if however, fail to make improvement within a set period of time, the business owner shall be fined NT\$ 30,000 up to NT\$ 150,000. Individuals in violation of Paragraph 1 of Article 8 and yet refuse to attend lectures shall be fined NT\$ 10,000 up to NT\$ 50,000.
- Article 25 The fines regulated by this Act shall be enforced by the municipality or county (city) competent authorities. Fines imposed pursuant to Article 23 may also be enforced by the central competent authority.
- Article 26 Persons providing services to the infected or performing the work outlined in this Act with outstanding achievements shall be awarded and encouraged by the central competent authority. Persons who have been infected with HIV through provision of services to the infected or performing the work outlined in this Act, their organizations (institutions) of employment shall offer them reasonable compensations; regulations governing the methods of compensation, amounts and other matters to be complied with shall be decided by the central competent authority.
- Article 27 This Act shall be implemented on the day of announcement.

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