

SECTION 1. Section 1367.46 is added to the Health and Safety Code, to read:

1367.46. Every individual or group health care service plan contract that is issued, amended, or renewed on or after January 1, 2009, that covers hospital, medical, or surgery expenses shall provide coverage for the testing for human immunodeficiency virus (HIV) antibodies and for acquired immune deficiency syndrome (AIDS) regardless of whether the testing is related to a primary diagnosis.

SEC. 2. Section 120897 is added to the Health and Safety Code, to read:

120897. Every general acute care hospital ~~or health clinic~~ that provides emergency medical care *or health clinic* shall offer patients *no more frequently than every six months* testing for the human immunodeficiency virus (HIV) antibodies and for acquired immune deficiency syndrome (AIDS), regardless of whether the testing is related to a primary diagnosis.

SEC. 3. Section 10123.91 is added to the Insurance Code, to read:

10123.91. (a) On or after January 1, 2009, every insurer that issues, amends, or renews an individual or group policy of health insurance that covers hospital, medical, or surgical expenses shall ~~offer~~ *provide* coverage for the testing for human immunodeficiency virus (HIV) antibodies and for acquired immune deficiency syndrome (AIDS) regardless of whether the testing is related to a primary diagnosis.

(b) It shall remain within the sole discretion of the health insurer as to the provider of the testing with which it chooses to contract. Reimbursement shall be provided according to the respective principles and policies of the health insurer.

~~SEC. 4. Section 14132.33 is added to the Welfare and Institutions Code, to read:~~

~~14132.33. The testing of human immunodeficiency virus (HIV) antibodies and for acquired immune deficiency syndrome (AIDS) regardless of whether the testing is related to a primary diagnosis is a covered service under this chapter.~~

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.