

Implications of the amendments to the Infectious Diseases Act recently passed in Parliament

Parliament recently passed the following amendments to the Infectious Diseases Act -

(1) A person who **knows that he has AIDS or HIV Infection** shall not engage in any sexual activity with another person unless, before the sexual activity takes place -

(a) he has informed that other person of the risk of contracting AIDS or HIV Infection from him;
and

(b) that other person has voluntarily agreed to accept that risk.

(2) A person who does **not know that he has AIDS or HIV Infection, but who has reason to believe that he has, or has been exposed to a significant risk of contracting, AIDS or HIV Infection** shall not engage in any sexual activity with another person unless -

(a) before the sexual activity takes place he informs that other person of the risk of contracting AIDS or HIV Infection from him and that other person voluntarily agrees to accept that risk;

(b) he has undergone the necessary serological or other test and has ascertained that he does not have AIDS or HIV Infection at the time of the sexual activity; or

(c) during the sexual activity, he takes reasonable precautions to ensure that he does not expose that other person to the risk of contracting AIDS or HIV Infection.

(3) Any person who contravenes subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 10 years or to both.

(4) For the purposes of this section, a person shall not, only by reason of age, be presumed incapable of engaging in sexual activity.

(5) For the purposes of this section, a person shall be deemed to know that he has AIDS or HIV Infection if a serological test or other test for the purpose of ascertaining the presence of HIV Infection carried out on him has given a positive result and the result has been communicated to him.

(6) No prosecution shall be instituted for an offence under subsection (2) except with the written consent of the Attorney-General, but a person charged with such an offence may be arrested and be remanded in custody or released on bail notwithstanding that the consent of the Attorney-General to the institution of a prosecution for the offence has not been obtained, except that the case shall not be further prosecuted until that consent of the Attorney-General has been obtained.

(7) In this section, "sexual activity" means -

- (a) sexual activity occasioned by the introduction into the vagina, anus or mouth of any person of any part of the penis of another person; or
- (b) cunnilingus.

Does this affect YOU?

Mr Khaw Boon Wan, Minister of Health, has provided the following description of persons who would fall under this new law.

A man who had unprotected sex with prostitutes or with other men; or unprotected sex with multiple partners; or who shared needles with other drug addicts 'should have reason to believe he has been exposed to a significant risk of contracting HIV'.

Persons in this category must do one of the following before they have sex :-

- (i) Tell your partner you might be HIV + (even if you do not know your current status) and your partner must voluntarily agree to accept that risk; or
- (ii) Undergo a HIV test to ensure you do not have the HIV virus at the time of sexual activity; or
- (iii) Use a condom.

If you fail to do any of the above 3 actions before sex, you can be prosecuted for an offence which carries a sentence of a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 10 years or to both.

It appears all penetrative sex including oral sex would be included.

