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PART-IV

PROVINCIAL ASSEMBLY OF SINDH
NOTIFICATION
KARACHI, THE 1ST NOVEMBER, 2013.

NO.PAS/Legis-B-12/2013- The Sindh HIV and AIDS Control Treatment and Protection Bill, 2013 having been passed by the Provincial Assembly of Sindh on 20th September, 2013 and assented to by the Governor of Sindh on 30th October, 2013 is hereby published as an Act of the Legislature of Sindh.

THE SINDH HIV AND AIDS CONTROL TREATMENT AND PROTECTION ACT, 2013.

SINDH ACT NO. LII OF 2013.

**AN
ACT**

to control the transmission and spread of HIV in the Province of Sindh and to provide measures for the treatment, care and support of the People Living With HIV and AIDS.

WHEREAS there is an urgent need to control the transmission of HIV and AIDs and to undertake measures for the treatment, care and support of people living with HIV and AIDS, and to provide for matters ancillary thereto; Preamble.

It is hereby enacted as follows:-

CHAPTER I
PRELIMINARY

Short title,
extent and
commencement.

1. (1) This Act may be called the Sindh HIV and AIDS Control Treatment and Protection Act, 2013.
- (2) It extends to the whole of the Province of Sindh.
- (3) It shall come into force at once.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context -

- (a) "AIDS" means Acquired Immune Deficiency Syndrome and is a condition characterized by a combination of signs and symptoms, caused by HIV, which attacks and weakens the body's immune system making the HIV-positive person susceptible to other life threatening infections or conditions, or as may be defined by the Sindh AIDS Commission from time to time;
- (b) "blood bank" includes a private, Government or Armed Forces blood bank maintained for the purpose of receiving, preserving, storing, analyzing and processing blood and blood products registered under the Sindh Transfusion of Safe Blood Act, 1997;
- (c) "children" or "child" means a person up to the age of eighteen years;
- (d) "Commission" means the Sindh AIDS Commission constituted under section 4;
- (e) "discrimination" includes any act or omission including a policy, law, rule, practice, custom, tradition, usage, condition or situation which directly or indirectly, expressly or by effect, immediately or over a period of time imposes burdens, obligations, liabilities, disabilities or disadvantages on, or denies or withholds benefits, opportunities or advantages, from, or compels or forces the adoption of a particular course of action by any person or category of persons, based solely on a person's HIV status, actual or perceived;
- (f) "Government" means the Government of Sindh;
- (g) "health care facility" or "health care facilities" means any basic health unit, rural health centre, any hospital including a Tehsil, District, or a teaching hospital, and any private medical facility, supervised by a medical practitioner;

- (h) "health workers" means any person providing services as a medical practitioner, homeopath practitioner, nurse, nutritionist, midwife, traditional birth attendant, pharmacist or dispensing chemist, hospital administrator or employee, whether professional or not, paid or not, and any other person providing such services as may be notified by Government in the official Gazette;
- (i) "HIV" means Human Immunodeficiency Virus which causes AIDS in humans, by infecting the cells of the human immune system and destroying their function, resulting in the progressive depletion of the immune system;
- (j) "HIV-positive" means the presence of HIV infection as documented by the presence of HIV or HIV antibodies in the sample being tested;
- (k) "HIV screening" means a systematic application of a medical procedure or the conducting of surveys and or interviews by addressing questions to a pre-identified population, with the intent to determine the presence or absence of HIV or HIV virus and antibodies, on the basis of the results and or the response to such surveys and or interviews to a defined population, for a broad public health purpose;
- (l) "HIV test" means a medical procedure used to determine the presence or absence of HIV or HIV antibodies in an individual, administered typically for diagnostic or clinical purposes;
- (m) "HIV transmission" refers to the transfer of HIV from an infected person to an uninfected individual, most commonly, but not limited to, through -
- (i) unprotected sexual contact;
 - (ii) direct blood contact, including injection drug needles, blood transfusion, accidents in health care settings, or certain blood products; and
 - (iii) mother to baby: before or during birth or through mothers milk;

- (n) "HIV and AIDS prevention harm reduction services" means all quality assured, training measures designed to mitigate the risk of HIV infection and other health, social, economic consequences of illicit drug taking and other behaviors, including but not restricted to information and promotion of Voluntary Confidential Counseling and Testing, and referrals for treatment of opportunistic infections and for Anti-Retroviral Therapy; establishment of 'drop in' and mobile outreach centers for the Most at Risk Populations;
- (o) "informed consent" means voluntary and continuing permission of the person, whether written or oral, or if the person is a minor, his guardian, for assessment or to receive a particular treatment based on an adequate knowledge of the purpose, nature, likely effects, and risks of that treatment, including the likelihood of its success and any alternatives to it and the cost of treatment;
- (p) "involuntary HIV Testing" refers to HIV testing imposed upon a person attended or characterized by the lack of consent, use of physical force, intimidation or any form of compulsion;
- (q) "Most at Risk Populations" means such populations that are considered to be at disproportionately high risk for HIV due to behaviours and practices that heighten their vulnerability to the virus;
- (r) "people living With HIV and AIDS" means people living with asymptomatic HIV infection and AIDS confirmed by different diagnostic tests;
- (s) "person" means one or more individuals, partnerships, associations, unincorporated organizations, companies, cooperatives, trustees, agents or any group of persons;
- (t) "prescribed" means prescribed by rules;
- (u) "rules" means rules made under this Act;
- (v) "post-test counseling" refers to the process of providing to the person who took the HIV test, whether result is positive or negative, at the time that the test result is released, risk-reduction information, partner notification and emotional support

