THE HIV AND AIDS (AMENDMENT) ACT 2023

Act No. 1 of 2023

I assent

PRITHVIRAJSING ROOPUN, G.C.S.K.

29th March 2023

President of the Republic of Mauritius

ARRANGEMENT OF SECTIONS

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An Act

To amend the HIV and AIDS Act

ENACTED by the Parliament of Mauritius, as follows –

1. **Short title**
   This Act may be cited as the HIV and AIDS (Amendment) Act 2023.

2. **Interpretation**
   In this Act –
   “principal Act” means the HIV and AIDS Act.

3. **Section 2 of principal Act amended**
   Section 2 of the principal Act is amended –
   (a) by deleting the definition of “HIV test” and replacing it by the following definition –
   “HIV test” –
   (a) means a test which determines whether or not a person is infected with HIV; and
   (b) includes a Directly Assisted HIV Self-Test or an HIV Self-Test;
   (b) in the definition of “institution”, by deleting the word “hospital” and replacing it by the words “public hospital, private hospital”;
   (c) by inserting, in the appropriate alphabetical order, the following new definitions –
   “Directly Assisted HIV Self-Test” means a test conducted by a person, upon himself, under the guidance of a medical practitioner, a nursing officer, a paramedical staff or such other person trained for that purpose by the Ministry;
   “HIV Self-Test” means a process through which a person collects his own specimen of saliva or blood and conducts his own HIV test;
“paraphernalia kit” includes sterile cooker, alcohol swab, dry cotton swab, cotton filter and sterile water;

(d) by adding the following new definition, the full stop at the end of the definition of “positive” being deleted and replaced by a semicolon –

“reactive”, in relation to an HIV Self-Test, means a result which is only preliminary and which necessitates further HIV confirmatory tests.

4. **Section 4 of principal Act amended**

Section 4 of the principal Act is amended by deleting the heading and replacing it by the following heading –

4. **Registration for HIV testing facilities**

5. **Section 5 of principal Act amended**

Section 5 of the principal Act is amended –

(a) by deleting the heading and replacing it by the following heading –

5. **HIV testing in public and private health institutions**

(b) by adding the following new subsection, the existing provision being numbered as subsection (1) –

(2) A private health institution or pharmacy which is registered under section 4 may provide such facility as may be necessary for a person to conduct an HIV Self-Test.

6. **Section 7 of principal Act amended**

Section 7 of the principal Act is amended –

(a) by deleting the heading and replacing it by the following heading –

7. **HIV testing on request of medical practitioner**
(b) in subsection (1), by deleting the words “No person” and replacing them by the words “Subject to section 7A, no person”.

7. **New section 7A inserted in principal Act**

The principal Act is amended by inserting, after section 7, the following new section –

**7A. HIV self-testing**

A person may conduct an HIV Self-Test or make a request for a Directly Assisted HIV Self-Test.

8. **Section 11 of principal Act amended**

Section 11 of the principal Act is amended –

(a) by inserting, after subsection (1), the following new subsection –

(1A) Any person who conducts an HIV Self-Test, the result of which is reactive, shall undergo an HIV test at a public health institution to confirm whether the test is positive.

(b) in subsection (2), by inserting, after the words “test is positive”, the words “under subsection (1) or (1A)”.

9. **Section 14 of principal Act amended**

Section 14 of the principal Act is amended –

(a) by deleting the heading and replacing it by the following heading –

**14. Syringe, needle and paraphernalia kit exchange**

(b) in subsection (1), by deleting the words “syringes and needles” and replacing them by the words “syringes, needles and paraphernalia kits”;

(c) in subsection (2), by deleting the words “or a new needle” and replacing them by the words “, new needle or new paraphernalia kit”;
(d) in subsection (4), by deleting the word “or needles” and replacing them by the words “, new needles or new paraphernalia kits”.

10. **Section 15 of principal Act amended**

   Section 15 of the principal Act is amended by deleting the words “or needles” and replacing them by the words “, needles and paraphernalia kits”.

11. **Section 16 of principal Act amended**

   Section 16 of the principal Act is amended –
   
   (a) by deleting the heading and replacing it by the following heading –
   
   **16. Possession of syringes, needles and paraphernalia kits**
   
   (b) by deleting the words “or needle” and replacing them by the words “, needle or paraphernalia kit”.

12. **Commencement**

   This Act shall come into operation on a date to be fixed by Proclamation.

   Passed by the National Assembly on the twenty eighth day of March two thousand and twenty three.

   **Bibi Safeena Lotun (Mrs)**
   
   *Clerk of the National Assembly*