

TITLE 38 - VETERANS BENEFITS
PART V - BOARDS, ADMINISTRATIONS, AND SERVICES
CHAPTER 73 - VETERANS HEALTH ADMINISTRATION - ORGANIZATION AND FUNCTIONS
SUBCHAPTER III - PROTECTION OF PATIENT RIGHTS

§ 7333. Nondiscrimination against alcohol and drug abusers and persons infected with the human immunodeficiency virus

(a) Veterans eligible for treatment under chapter 17 of this title who are alcohol or drug abusers or who are infected with the human immunodeficiency virus shall not be discriminated against in admission or treatment by any Department health-care facility solely because of their alcohol or drug abuse or dependency or because of their viral infection.

(b) The Secretary shall prescribe regulations for the enforcement of this section. Such regulations, with respect to the admission and treatment of such veterans who are alcohol or drug abusers, shall be prescribed in accordance with section 7334 of this title.

(Added Pub. L. 94–581, title I, § 111(a)(1), Oct. 21, 1976, 90 Stat. 2850, § 4133; amended Pub. L. 100–322, title I, § 122(a), May 20, 1988, 102 Stat. 503; renumbered § 7333 and amended Pub. L. 102–40, title IV, §§ 401(a)(4)(A), 402 (d)(1), 403 (a)(1), (2), May 7, 1991, 105 Stat. 221, 239.)

Amendments

1991—Pub. L. 102–40, § 401(a)(4)(A), renumbered section 4133 of this title as this section.

Subsec. (a). Pub. L. 102–40, § 403(a)(2), substituted “Department” for “Veterans’ Administration”.

Subsec. (b). Pub. L. 102–40, §§ 402(d)(1), 403 (a)(1), substituted “Secretary” for “Administrator” and “7334” for “4134”.

1988—Pub. L. 100–322 substituted “Nondiscrimination against alcohol and drug abusers and persons infected with the human immunodeficiency virus” for “Nondiscrimination in the admission of alcohol and drug abusers to Veterans’ Administration health care facilities” as section catchline, and amended text generally. Prior to amendment, text read as follows: “Veterans eligible for treatment under chapter 17 of this title who are alcohol or drug abusers and who are suffering from medical disabilities shall not be discriminated against in admission or treatment, solely because of their alcohol or drug abuse or dependence, by any Veterans’ Administration health care facility. The Administrator, pursuant to the provisions of section 4134 of this title, shall prescribe regulations for the enforcement of this nondiscrimination policy with respect to the admission and treatment of such eligible veterans who are alcohol or drug abusers.”

Restriction on Testing for Infection With Human Immunodeficiency Virus

Pub. L. 100–322, title I, § 124, May 20, 1988, 102 Stat. 505, as amended by Pub. L. 102–83, § 6(j)(3), Aug. 6, 1991, 105 Stat. 409, provided that the Secretary of Veterans Affairs could not conduct a widespread program to test for the human immunodeficiency virus unless funds for the program were appropriated, with an exception for voluntary testing, prior to repeal by Pub. L. 110–387, title IV, § 407, Oct. 10, 2008, 122 Stat. 4130.