

SENATE NO.1402

AN ACT RELATIVE TO THE EXPOSURE OF PUBLIC SAFETY OFFICIALS TO THE AIDS VIRUS AND INFECTIOUS HEPATITIS

*Be it enacted by the Senate and House of Representatives in General Court assembled,
And by the authority of the same, as follows:*

1 SECTION 1. Section 70F of Chapter 111 is hereby amended in the title by striking out
2 "HLTV-III" and inserting in place thereof:- "HTLV-III" and by adding the following:- "HBV
3 and HCV Tests".

4 Paragraph one of Section 70F of Chapter 111 of the General Laws, as appearing in the 1990
5 Official Edition, shall be amended by inserting at the beginning of the first sentence, before the
6 words "No health care facility," the following:-

7 (a) Except as herein provided.

8 SECTION 2. Section 70F of Chapter 111 of the General Laws shall be further amended by
9 inserting after the fourth paragraph the following:-

10 (b) Provided, however, that a police officer or other law enforcement official, fire fighter,
11 emergency medical technician or medical personnel, or other public safety official, who, in the
12 course of his official duties, is bitten or scratched by a person, is stabbed or scratched by a
13 hypodermic needle in the possession of that person, or is otherwise exposed to the transfer of
14 blood, semen, or other bodily fluid on, upon, or through his skin or membranes by that person,
15 and where that person is the subject of a criminal complaint or indictment, the exposed official

16 may petition the court having jurisdiction of the complaint or indictment to be tested for the
17 HTLV-III, HBV and HCV antibody or antigen.

18 The court shall promptly conduct a hearing upon any such petition. If the court finds a fact that
19 there was a transfer of blood, semen, or other bodily fluids, the court shall order the HTLV-III,
20 HBV and HCV test of the subject. A copy of the test result shall be sent by the testing facility to
21 the court. The court shall issue the test results to the subject of the complaint or indictment, the
22 petitioner, and, if the subject is incarcerated or detained, the officer in charge and the chief
23 medical officer of the facility in which the subject is incarcerated or detained. The test results
24 thereafter are to be impounded. No health care facility shall be liable for release of HTLV-III,
25 HBV and HCV test results pursuant to a court order under this section.

26 SECTION 3. This act shall take effect upon its passage.