HOUSE DOCKET, NO. 159 FILED ON: 1/11/2011

HOUSE . . . . . No. 632

The Commonwealth of Massachusetts

PRESENTED BY:

Martin J. Walsh

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act relative to the exposure of public safety officials to the AIDS virus and infectious hepatitis.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Martin J. Walsh	*13th Suffolk*
Jay R. Kaufman	*15th Middlesex*
John J. Binienda	*17th Worcester*
Thomas P. Kennedy	☐ *[District]* ☐
Kevin G. Honan	*17th Suffolk*
Louis L. Kafka	*8th Norfolk*
John Hart, Jr.	☐ *[District]* ☐
Thomas M. Stanley	*9th Middlesex*
Sean Garballey	*23rd Middlesex*
Stephen L. DiNatale	*3rd Worcester*

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HOUSE . . . . . No. 632

By Mr. Walsh of Boston, a petition (accompanied by bill, House, No. 632) of Martin J. Walsh and others for legislation relative to the exposure of public safety officials to the AIDS virus or infectious hepatitis. Public Health.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
HOUSE
, NO. *2183* OF 2009-2010.]

The Commonwealth of Massachusetts

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:

SECTION 1. Section 70F of Chapter 111 is hereby amended in the title by striking out "HLTV-III" and inserting in place thereof: "HTLV-III" and by adding the following: "HBV and HCV Tests". Paragraph one of Section 70F of Chapter 111 of the General Laws, as appearing in the 1990 Official Edition, shall be amended by inserting at the beginning of the first sentence, before the words "No health care facility," the following: - (a) Except as herein provided. SECTION 2. Section 70F of Chapter 111 of the General Laws shall be further amended by inserting after the fourth paragraph the following: - (b) Provided, however, that a police officer, correction officer or other law enforcement official, fire fighter, emergency medical technician or medical personnel, or other public safety official, who, in the course of his official duties, is bitten or scratched by a person, is stabbed or scratched by a hypodermic needle in the possession of that person, or is otherwise exposed to the transfer of blood, semen, or other bodily substance on, upon, or through his skin or membranes by that person, and where that person is the subject of a criminal complaint or indictment, the exposed official may petition the court having jurisdiction of the complaint or indictment to be tested for the HTLV-III, HBV and HCV antibody or antigen. The court shall promptly conduct a hearing upon any such petition. If the court finds a fact that there was a transfer of blood, semen, or other bodily substances, the court shall order the HTLV-III, HBV and HCV test of the subject. A copy of the test results shall be sent by the testing facility to the court. The court shall issue the test results to the subject of the

19 complaint or indictment, the petitioner, and, if the subject is incarcerated or detained, the officer
20 in charge and the chief medical officer of the facility in which the subject is incarcerated or
21 detained. The test results thereafter are to be impounded. No health care facility shall be liable
22 for release of HTLV-III, HBV and HCV test results pursuant to a court order under this section.
23 SECTION 3. This act shall take effect upon passage.