

HOUSE No. 2183

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

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 and
3 HCV Tests". Paragraph one of Section 70F of Chapter 111 of the General Laws, as appearing in
4 the 1990 Official Edition, shall be amended by inserting at the beginning of the first sentence,
5 before the words "No health care facility," the following: - (a) Except as herein
6 provided. SECTION 2. Section 70F of Chapter 111 of the General Laws shall be further amended
7 by inserting after the fourth paragraph the following: - (b) Provided, however, that a police
8 officer, correction officer or other law enforcement official, fire fighter, emergency medical
9 technician or medical personnel, or other public safety official, who, in the course of his official
10 duties, is bitten or scratched by a person, is stabbed or scratched by a hypodermic needle in the
11 possession of that person, or is otherwise exposed to the transfer of blood, semen, or other bodily
12 substance on, upon, or through his skin or membranes by that person, and where that person is
13 the subject of a criminal complaint or indictment, the exposed official may petition the court
14 having jurisdiction of the complaint or indictment to be tested for the HTLV-III, HBV and HCV

15 antibody or antigen. The court shall promptly conduct a hearing upon any such petition. If the
16 court finds a fact that there was a transfer of blood, semen, or other bodily substances, the court
17 shall order the HTLV-III, HBV and HCV test of the subject. A copy of the test results shall be
18 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
23 section. SECTION 3. This act shall take effect upon passage.