

HOUSE No. 41

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act RELATIVE TO THE TESTING OF INMATES FOR INFECTIOUS DISEASES DANGEROUS TO THE PUBLIC HEALTH.

*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 16 of chapter 127 of the General Laws, as appearing in the 2006 Official Edition,
2 is hereby amended by adding the following new paragraph:-

3 Any employee of the department of correction or a county correctional facility, who
4 sustains an unprotected exposure capable of transmitting an infectious disease dangerous to the
5 public health by an inmate, shall immediately inform the superintendent of the facility or his
6 designee of said exposure.

7 The superintendent or his designee, after receiving a report of an unprotected exposure
8 capable of transmitting an infectious disease dangerous to the public health, may arrange for the
9 testing of such inmate for possible infectious diseases dangerous to the public health. The
10 superintendent of the facility or his designee shall inform any person reporting an unprotected
11 exposure capable of transmitting an infectious disease dangerous to the public health of the
12 results of such testing.

13 Notwithstanding the provisions of any general or special law to the contrary, neither the
14 department of correction or county correctional facility, nor its employees, shall be subject to
15 civil or criminal liability for testing or reporting pursuant to the requirements of this section, if
16 such testing or reporting was performed in good faith.

17 “Infectious disease dangerous to the public health” shall be defined by department of
18 public health regulations promulgated pursuant to section 111C of chapter 111.

19 “Unprotected exposure capable of transmitting an infectious disease dangerous to the
20 public health” shall be defined by department of public health regulations promulgated pursuant
21 to section 111C of chapter 111.