

HOUSE No. 54

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act RELATIVE TO TESTING FOR PUBLIC SAFETY PERSONNEL.

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

1 Chapter 38 as appearing in the 2004 official edition is hereby amended by inserting, after
2 section 15, the following:-

3 Section 16. Any person, including without limitation, a police officer, fire fighter,
4 emergency medical technician, corrections officer, ambulance operator or attendant who, while
5 acting in his professional capacity, attends, assists, or transports a deceased person over whom
6 the chief medical examiner or his designee has accepted jurisdiction, and who sustains an
7 unprotected exposure capable of transmitting an infectious disease dangerous to the public
8 health, shall immediately inform the chief medical examiner or his designee of said exposure.

9 The chief medical examiner or his designee, after receiving the body of the deceased
10 person and a report of an unprotected exposure capable of transmitting an infectious disease
11 dangerous to the public health, may cause the body of the deceased to be tested for possible
12 infectious diseases dangerous to the public health. The chief medical examiner or his designee
13 shall inform any person reporting an unprotected exposure capable of transmitting an infectious
14 disease dangerous to the public health of the results of such testing.

15 Notwithstanding the provisions of any general or special law to the contrary, neither the
16 office of the chief medical examiner, nor any employee of the office including the chief medical
17 examiner, shall be subject to civil or criminal liability for testing or reporting pursuant to the
18 requirements of this section, if such testing or reporting was performed in good faith.

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

21 “Unprotected exposure capable of transmitting an infectious disease dangerous to the
22 public health” shall be defined by department of public health regulations promulgated pursuant
23 to section 111C of chapter 111 and shall include, but not be limited to, instances of attempted
24 direct mouth-to-mouth resuscitation, or the co-mingling of the blood of the deceased person and
25 the person exposed.