

SENATE No. 965

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to the exposure of public safety officials to the aids viruss 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
5 1990 Official Edition, shall be amended by inserting at the beginning of the first sentence, before
6 the 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
9 by inserting after the fourth paragraph the following:-

10 (b) Provided, however, that a police officer, correction officer or other law enforcement
11 official, fire fighter, emergency medical technician or medical personnel, or other public safety
12 official, who, in the course of his official duties, is bitten or scratched by a person, is stabbed or

13 scratched by a hypodermic needle in the possession of that person, or is otherwise exposed to the
14 transfer of blood, semen, or other bodily substance on, upon, or through his skin or membranes
15 by that person, and where that person is the subject of a criminal complaint or indictment, the
16 exposed official may petition the court having jurisdiction of the complaint or indictment to be
17 tested for the 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
19 fact that there was a transfer of blood, semen, or other bodily substance, the court shall order the
20 HTLV-III, HBV and HCV test of the subject. A copy of the test result shall be sent by the testing
21 facility to the court. The court shall issue the test results to the subject of the complaint or
22 indictment, the petitioner, and, if the subject is incarcerated or detained, the officer in charge and
23 the chief medical officer of the facility in which the subject is incarcerated or detained. The test
24 results thereafter are to be impounded. No health care facility shall be liable for release of
25 HTLV-III, HBV and HCV test results pursuant to a court order under this section.

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