

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

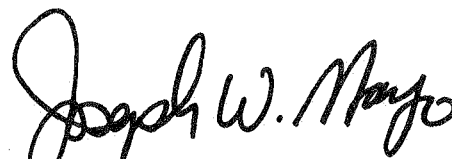
No. 1392

H.P. 1000

House of Representatives, March 5, 1997

**An Act to Require the Release of the Results of an HIV Test to an
Emergency Services Worker Who Was Possibly Exposed.**

Reference to the Committee on Judiciary suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative WATERHOUSE of Bridgton.
Cosponsored by Senator CAREY of Kennebec and
Representatives: MUSE of South Portland, THOMPSON of Naples, TUTTLE of Sanford.

2 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 5 MRSA §19201, sub-§1-C** is enacted to read:

6 **1-C. Emergency services worker.** "Emergency services worker" means:

8 A. An individual employed to provide prehospital emergency medical services;

10 B. A person employed as a law enforcement officer or corrections official;

14 C. A firefighter, paramedic, emergency medical technician, licensed nurse, reserve squad worker or other individual who serves as an employee or volunteer of an ambulance service or provides prehospital emergency medical services; or

18 D. A crime lab worker.

20 **Sec. 2. 5 MRSA §19203, sub-§9**, as repealed and replaced by PL 1987, c. 811, §3, is amended to read:

24 **9. Medical records.** As part of a medical record when release or disclosure of that record is authorized pursuant to section 19203-D; ~~or~~

28 **Sec. 3. 5 MRSA §19203, sub-§10, ¶B**, as amended by PL 1995, c. 319, §1, is further amended to read:

30 B. A victim-witness advocate authorized by section 19203-F to receive the test results of a person convicted of a sexual crime as defined in section 19203-F, subsection 1, paragraph C, who shall disclose to a victim under section 19203-F, subsection 4; or

36 **Sec. 4. 5 MRSA §19203, sub-§11** is enacted to read:

38 **11. Emergency services worker.** To an emergency services worker pursuant to section 19203-G.

42 **Sec. 5. 5 MRSA §19203-A, sub-§1**, as amended by PL 1995, c. 404, §5, is further amended to read:

44 **1. Individual tested.** Except as provided in this section and section 19203, subsections 4 and 5 and 11, no person may perform an HIV test without first obtaining the written informed consent of the person to be tested. Informed consent is not required for repeated HIV testing by health care providers to monitor the course of established infection. Anonymous test

2 sites under section 19203-B are exempt from the requirement that
the informed consent be in writing.

4 Sec. 6. 5 MRSA §19203-G is enacted to read:

6 **§19203-G. Bona fide occupational exposure of emergency services**
8 **worker**

10 An emergency services worker who experiences a bona fide
12 occupational exposure may require the person whose blood or body
14 fluid is the source of the exposure to submit to an HIV test and
16 may further require that the results of that test be disclosed to
18 that emergency services worker.

20 **SUMMARY**

22 This bill provides that an emergency services worker who is
exposed to potentially infectious blood or other bodily fluids of
another person in the course of employment may require that
person to submit to an HIV test and may require that the results
of that test be disclosed to that emergency services worker.