

State of Arkansas  
92nd General Assembly  
Regular Session, 2019

As Engrossed: S2/12/19  
**A Bill**

HOUSE BILL 1365

By: Representatives M. Gray, Speaks

By: Senator Irvin

### **For An Act To Be Entitled**

AN ACT TO ENSURE THAT LAW ENFORCEMENT OFFICERS AND PERSONNEL ARE PROTECTED FROM LIFE-THREATENING DISEASES; TO AMEND THE HIV SHIELD LAW TO INCLUDE PROTECTION FOR LAW ENFORCEMENT OFFICERS AND PERSONNEL AND EMERGENCY RESPONSE WORKERS; AND FOR OTHER PURPOSES.

### **Subtitle**

TO ENSURE THAT LAW ENFORCEMENT OFFICERS AND PERSONNEL ARE PROTECTED FROM LIFE-THREATENING DISEASES; TO AMEND THE HIV SHIELD LAW TO INCLUDE PROTECTION FOR LAW ENFORCEMENT OFFICERS AND PERSONNEL AND EMERGENCY RESPONSE WORKERS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 20-13-1501(2), concerning the definition of "emergency response worker" concerning protection from life-threatening diseases, is amended to read as follows:

- (2) "Emergency response worker" means:
- (A) Paramedics;
  - (B) Emergency response employees;
  - (C) Firefighters;
  - (D) First response workers;
  - (E) Emergency medical technicians;



(F) Emergency medical services personnel;  
 (G) Volunteers making an authorized emergency response;  
 and  
(H) Law enforcement officers and personnel; and  
~~(H)~~(I) A person rendering services as a "Good Samaritan"  
 under the "Good Samaritan" law, § 17-95-101;

SECTION 2. Arkansas Code § 20-13-1502(a)(1), concerning testing of possible exposure of emergency response workers to airborne or blood-borne diseases, is amended to read as follows:

(a)(1) Consent is not required for a healthcare provider or healthcare facility to test an individual for an airborne or blood-borne disease when a healthcare provider, ~~or~~ an employee of a healthcare facility, or emergency response worker has a type of contact with an individual that may transmit an airborne or blood-borne disease, as determined by a physician in his or her medical judgment.

SECTION 3. Arkansas Code § 20-15-905(a) and (b), concerning the definitions and testing under the HIV Shield Law, are amended to read as follows:

(a) As used in this section:

(1) "Affected individual" means a healthcare provider, employee of a health facility, or emergency response worker who is involved in a direct skin or mucous membrane contact with the blood or bodily fluids of another individual;

(2) "Emergency response worker" means:

(A) Paramedics;  
(B) Emergency response employees;  
(C) Firefighters;  
(D) First response workers;  
(E) Emergency medical technicians;  
(F) Emergency medical services personnel;  
(G) Volunteers making an authorized emergency response;  
(H) Law enforcement officers and personnel; and  
(I) A person rendering services as a "Good Samaritan"  
 under the "Good Samaritan" law, § 17-95-101;

~~(1)~~(3) "Healthcare provider" means any physician, nurse, paramedic, or other person providing medical, nursing, or other healthcare services of any kind;

~~(2)~~(4) "Health facility" means a hospital, nursing home, blood bank, blood center, sperm bank, or other healthcare institution;

~~(3)~~(5) "HIV" means the human immunodeficiency virus or any other identified causative agent of acquired immunodeficiency syndrome (AIDS);

~~(4)~~(6) "Person" includes any natural person, partnership, association, joint venture, trust, governmental entity, public or private corporation, health facility, or other legal entity; and

~~(5)~~(7) "Test" or "HIV test" means a test to determine the presence of the antibody or antigen to HIV or of HIV infection.

(b)(1) Consent is not required for a healthcare provider or health facility to perform a test when a healthcare provider, ~~or~~ employee of a health facility, or emergency response worker is involved in a direct skin or mucous membrane contact with the blood or bodily fluids of an individual which is of a nature that may transmit HIV, as determined by a physician in his or her medical judgment.

(2)(A) *The results of the test shall be provided by ~~the person ordering a representative of the health facility performing the test to:~~*

*~~(i) the affected healthcare provider or employee of a health facility, to the healthcare provider's or employee's physician, to the individual tested, and to the individual's physician~~ The affected individual;*

*~~(ii) The individual tested;~~*

*~~(iii) The affected individual's physician, with the consent of the affected individual; and~~*

*~~(iv) The physician of the individual tested, with the consent of the individual tested.~~*

(B) Appropriate counseling shall be provided along with the test results.

/s/M. Gray

APPROVED: 2/28/19