

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

As Engrossed: S2/12/19

A Bill

HOUSE BILL 1365

5 By: Representatives M. Gray, Speaks
6 By: Senator Irvin
7

For An Act To Be Entitled

9 AN ACT TO ENSURE THAT LAW ENFORCEMENT OFFICERS AND
10 PERSONNEL ARE PROTECTED FROM LIFE-THREATENING
11 DISEASES; TO AMEND THE HIV SHIELD LAW TO INCLUDE
12 PROTECTION FOR LAW ENFORCEMENT OFFICERS AND PERSONNEL
13 AND EMERGENCY RESPONSE WORKERS; AND FOR OTHER
14 PURPOSES.
15

Subtitle

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18 TO ENSURE THAT LAW ENFORCEMENT OFFICERS
19 AND PERSONNEL ARE PROTECTED FROM LIFE-
20 THREATENING DISEASES; TO AMEND THE HIV
21 SHIELD LAW TO INCLUDE PROTECTION FOR LAW
22 ENFORCEMENT OFFICERS AND PERSONNEL AND
23 EMERGENCY RESPONSE WORKERS.
24

25
26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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28 SECTION 1. Arkansas Code § 20-13-1501(2), concerning the definition of
29 "emergency response worker" concerning protection from life-threatening
30 diseases, is amended to read as follows:

31 (2) "Emergency response worker" means:

- 32 (A) Paramedics;
- 33 (B) Emergency response employees;
- 34 (C) Firefighters;
- 35 (D) First response workers;
- 36 (E) Emergency medical technicians;



1 (F) Emergency medical services personnel;
 2 (G) Volunteers making an authorized emergency response;
 3 ~~and~~
 4 (H) Law enforcement officers and personnel; and
 5 ~~(H)-(I)~~ A person rendering services as a “Good Samaritan”
 6 under the “Good Samaritan” law, § 17-95-101;
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8 SECTION 2. Arkansas Code § 20-13-1502(a)(1), concerning testing of
 9 possible exposure of emergency response workers to airborne or blood-borne
 10 diseases, is amended to read as follows:

11 (a)(1) Consent is not required for a healthcare provider or healthcare
 12 facility to test an individual for an airborne or blood-borne disease when a
 13 healthcare provider, ~~or~~ an employee of a healthcare facility, or emergency
 14 response worker has a type of contact with an individual that may transmit an
 15 airborne or blood-borne disease, as determined by a physician in his or her
 16 medical judgment.
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18 SECTION 3. Arkansas Code § 20-15-905(a) and (b), concerning the
 19 definitions and testing under the HIV Shield Law, are amended to read as
 20 follows:

21 (a) As used in this section:

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

26 (2) "Emergency response worker" means:

27 (A) Paramedics;
 28 (B) Emergency response employees;
 29 (C) Firefighters;
 30 (D) First response workers;
 31 (E) Emergency medical technicians;
 32 (F) Emergency medical services personnel;
 33 (G) Volunteers making an authorized emergency response;
 34 (H) Law enforcement officers and personnel; and
 35 (I) A person rendering services as a “Good Samaritan”
 36 under the “Good Samaritan” law, § 17-95-101;

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

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

6 ~~(3)~~(5) “HIV” means the human immunodeficiency virus or any other
7 identified causative agent of acquired immunodeficiency syndrome (AIDS);

8 ~~(4)~~(6) “Person” includes any natural person, partnership,
9 association, joint venture, trust, governmental entity, public or private
10 corporation, health facility, or other legal entity; and

11 ~~(5)~~(7) “Test” or “HIV test” means a test to determine the
12 presence of the antibody or antigen to HIV or of HIV infection.

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

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

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

25 *(ii) The individual tested;*

26 *(iii) The affected individual’s physician, with the*
27 *consent of the affected individual; and*

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

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

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34 /s/M. Gray

35 **APPROVED: 2/28/19**

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