

HCS HBs 167 & 166 -- COMMUNICABLE DISEASES

SPONSOR: Rehder

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Health and Mental Health Policy by a vote of 13 to 3. Voted "Do Pass" by the Standing Committee on Rules- Legislative Oversight by a vote of 7 to 3.

This bill modifies the laws regarding Human Immunodeficiency Virus (HIV), and applies the law to all serious infectious or communicable diseases instead of only HIV. A serious infectious or communicable disease is a non-airborne disease spread from person to person that is fatal or causes disabling long-term consequences in the absence of lifelong treatment and management.

It shall be a class C felony for a person knowingly infected with a serious infectious or communicable disease to be a blood, organ, sperm, or tissue donor, except as deemed necessary for medical research or deemed medically appropriate by a licensed physician; or to knowingly expose another person to a serious infectious or communicable disease through an activity that creates a substantial risk of transmission as determined by competent medical or epidemiological evidence. If the victim contracts a serious infectious or communicable disease, it is a class B felony. It shall be a class A misdemeanor for a person knowingly infected with a serious infectious or communicable disease to act in a reckless manner by exposing another person to a serious infectious or communicable disease through an activity that creates a substantial risk of transmission as determined by competent medical or epidemiological evidence.

However, a person shall not be considered to act knowingly if he or she takes practical means to prevent transmission. This includes, but is not limited to the use of a condom, barrier protection, prophylactic medication regimen or device, or compliance with a medical treatment regimen as prescribed by a health care provider.

It is an affirmative defense if the person exposed to the serious infectious or communicable disease knew that the infected person was infected and consented to the exposure with such knowledge.

When alleging a violation of the law against exposing another person to a communicable disease, the prosecuting attorney or grand jury must use a pseudonym to protect the victim of the crime.

This bill makes the crimes of offense of endangering a corrections employee and offense of endangering a Department of Mental Health

employee apply to prisoners who are knowingly infected with any serious infectious or communicable disease and exposes another person to the disease. Currently, the law only applies to exposing the victim to HIV, Hepatitis B, or Hepatitis C.

This bill is the same as HB 2674 and HB 2675 (2018).

PROPONENTS: Supporters say that our current HIV laws are antiquated and based upon an understanding that has been proven to no longer be scientifically accurate. The current law gives an incentive to not get tested or get treatment for HIV, which is detrimental to public health. This bill brings the punishment for transmitting a communicable disease in line with other statutes.

Testifying for the bill were Representative Rehder; American Civil Liberties Union; Annie Rice, St. Louis City Board of Aldermen; Brennan Keiser; Devin Hersey; Empower Missouri; Latrischia Miles; Lynne Meyerkord, Aids Project of the Ozark; Mike Herbert, Miller County Health Department and Missouri Association of Local Public Health Agencies; Molly Pennson; Robert Richardson; Planned Parenthood Advocates in Missouri; Sophie Slater; Tim Lohmar; and E. Wayne Lee.

OPPONENTS: There was no opposition voiced to the committee.