

HB 1691 -- COMMUNICABLE DISEASES

SPONSOR: Rehder

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Judiciary by a vote of 16 to 0.

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 D 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 C 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.

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 HCS HBs 167 & 166 (2019) and similar to HB 2674 and HB 2675 (2018).

PROPONENTS: Supporters say that this is a harm reduction policy.

There have been incredible advancements in HIV research and treatments and what needs to be done to stop the spreading of HIV. These laws discourage people from getting tested. One witness testified that he has been positive for 22 years and was incarcerated for 9 years because of the criminalization of transmitting HIV to someone even though there was no intent to do it. Prosecutors are able to twist situations to be able to prosecute people for this without intent. So changing it from HIV specifically to communicable diseases, as well as changing the mental state, is necessary.

Testifying for the bill were Representative Rehder; Robert Richardson; Vivent Health; Ashley Quinn; Susan Gibson; Lynne Meyerkord, Aids Project of the Ozarks; Samati Niyomchai; American Civil Liberties Union of Missouri; Jen Bernstein, National Council Of Jewish Women; Devin Hursey; Mandy Hagseth, Missouri Family Health Center; Kendall Martinez-Wright; Latrischa Miles; Molly Pearson, Empower Missouri; Missouri Association Of Prosecuting Attorneys; Missouri Office Of Prosecution Services.

OPPONENTS: There was no opposition voiced to the committee.