

HB 1057 -- INFECTIOUS OR COMMUNICABLE DISEASES

SPONSOR: Fuchs

This bill modifies several provisions relating to infectious or communicable diseases.

It repeals a variety of references to HIV-specific testing requirements to be conducted by the Department of Health and Senior Services (DHSS), and provides that DHSS must pay for the cost of conducting testing for sexually transmitted infections or diseases for a victim of rape, sodomy, or incest. This testing is limited to two rounds and must follow the best medical guidance for each infection or disease being screened. The bill additionally removes HIV-specific references in favor of the term "testing" to screen for sexually transmitted infections or diseases.

The costs of testing for certain offenders who are compelled by the court to undergo testing are to be taxed to the defendant, unless otherwise prohibited by law. Additionally, costs of testing for juvenile offenders will be paid for by the county in which the offense occurred.

Provisions governing infectious control procedures are expanded to include serious infectious or communicable diseases, and the references to HIV and related diseases are repealed.

Current law provides that the assessment by the Centers for Disease Control of the risk of transmission of HIV or HBV from infected health care professionals to patients does not justify mandatory testing, but that health care professionals who perform invasive procedures are advised to know their HIV antibody status and hepatitis B antigen status; this bill repeals that provision.

The bill updates the practice of pharmacy to include the dispensing of both HIV pre-exposure and post-exposure prophylaxis.

As it relates to genetic testing by insurance companies, current law defines a genetic test as not including, among others, tests for the presence of HIV. This bill replaces that reference with testing for the presence of infection or disease.

Current law defines "psychologically impacted real property" as real property in which an occupant is, or was at any time, infected with HIV or diagnosed with AIDS, or with any other disease that has been determined through medical evidence to be highly unlikely to be transmitted through the occupancy of a dwelling place. This bill removes the references to HIV and AIDS and defines such property as any real property in which a person is or was at any

time infected or diagnosed with any disease that has been determined to be highly unlikely to be transmitted through the occupancy of a dwelling place.

Currently, there are two possible penalties for the offense of prostitution. It is a class B misdemeanor, unless the person knew prior to performing the act of prostitution that he or she was infected with HIV, in which case the offense is a class B felony. This bill removes the class B felony scheme from the offense of prostitution.

Currently, any information contained in any court record including recordings that could be used to identify or locate a victim of domestic assault or stalking must be closed and redacted from the record prior to public disclosure. Identifying information includes health information, including HIV status. This example of identifying information is repealed in the bill.

Finally, the bill repeals in their entirety sections governing information held by the State or its political subdivisions concerning a person's HIV status; the disclosure of confidential HIV-related information by court order; the disclosure of a person's HIV status by DHSS to exposed public health workers; required HIV and tuberculosis testing by the Department of Corrections; testing conducted by the Department of Mental Health, without right of refusal; testing conducted by insurance companies; court-ordered HIV testing without right of refusal; situations in which a person maintains a nuisance; notices to schools of the identity of a child with HIV; rulemaking authority for DHSS relating to mandatory premarital HIV testing; defendant testing requirements; and HIV testing for persons arrested for a prostitution-related offense.