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;
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(F) Emergency medical services personnel;
(G) Volunteers making an authorized emergency response;
and

(H) Law enforcement officers and personnel; and

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

“Health facility” means a hospital, nursing home, blood bank, blood center, sperm bank, or other healthcare institution;

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

“Person” includes any natural person, partnership, association, joint venture, trust, governmental entity, public or private corporation, health facility, or other legal entity; and

“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