1	State of Arkansas	As Engrossed: S2/12/19		
2	92nd General Assembly	A Bill		
3	Regular Session, 2019		HOUSE BILL 1365	
4				
5	By: Representatives M. Gray, Speaks			
6	By: Senator Irvin			
7				
8	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				
16				
17	Subtitle			
18	TO E	NSURE THAT LAW ENFORCEMENT OFFI	CERS	
19	AND	PERSONNEL ARE PROTECTED FROM LI	FE-	
20	THREATENING DISEASES; TO AMEND THE HIV			
21	SHIELD LAW TO INCLUDE PROTECTION FOR LAW			
22	ENFORCEMENT OFFICERS AND PERSONNEL AND			
23	EMER	GENCY RESPONSE WORKERS.		
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25				
26	BE IT ENACTED BY THE	GENERAL ASSEMBLY OF THE STATE OF	F ARKANSAS:	
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28	SECTION 1. Ark	ansas Code § 20-13-1501(2), con	cerning the definition of	
29	"emergency response worker" concerning protection from life-threatening			
30	diseases, is amended to read as follows:			
31	(2) "Eme	rgency 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;		
7			
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 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.		
17			
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	$\frac{(4)}{(6)}$ "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	$\frac{(5)}{(7)}$ "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	<u>(i)</u> 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	<u>individual;</u>		
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		
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