

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997
4
5 By: Senator Webb
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7

A Bill

SENATE BILL 744

For An Act To Be Entitled

9 "AN ACT TO ESTABLISH A CIVIL CAUSE OF ACTION AGAINST A
10 PERSON WHO KNOWINGLY TRANSMITS THE HERPES SIMPLEX VIRUS -
11 TYPE 2 TO ANOTHER PERSON BY ENGAGING IN SEXUAL PENETRATION
12 WITH THE PERSON WITHOUT FIRST HAVING INFORMED THE OTHER
13 PERSON OF THE PRESENCE OF HERPES SIMPLEX VIRUS - TYPE 2;
14 AND FOR OTHER PURPOSES."

Subtitle

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17 "TO ESTABLISH A CIVIL CAUSE OF ACTION
18 AGAINST A PERSON WHO KNOWINGLY TRANSMITS
19 THE HERPES SIMPLEX VIRUS - TYPE 2 TO
20 ANOTHER PERSON."
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. (a) A person who is infected with the herpes simplex virus
25 - type 2 by another person shall have a civil cause against that person if
26 that person knowingly transmits the herpes simplex virus - type 2 by engaging
27 in sexual penetration without first having informed the other person of the
28 active presence of herpes simplex virus - type 2.

29 (b) As used in this act, "sexual penetration" means sexual intercourse,
30 cunnilingus, fellatio, anal intercourse, or any other intrusion, however
31 slight, of any part of a persons body or of any object into the genital or
32 anal openings of another persons body, but emission of semen is not required.
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34 SECTION 2. All provisions of this act of a general and permanent nature
35 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
36 Revision Commission shall incorporate the same in the Code.

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2 SECTION 3. If any provision of this act or the application thereof to
3 any person or circumstance is held invalid, such invalidity shall not affect
4 other provisions or applications of the act which can be given effect without
5 the invalid provision or application, and to this end the provisions of this
6 act are declared to be severable.

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8 SECTION 4. All laws and parts of laws in conflict with this act are
9 hereby repealed.

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