

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 87th General Assembly  
3 Regular Session, 2009  
4

As Engrossed: H3/27/09

# A Bill

HOUSE BILL 2057

5 By: Representative Reep  
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## For An Act To Be Entitled

9 AN ACT TO PROTECT EMERGENCY RESPONSE WORKERS; TO  
10 PROVIDE FOR EVALUATIONS OF THE MEDICAL RECORDS OF  
11 INDIVIDUALS SUSPECTED OF INFECTING AN EMERGENCY  
12 RESPONSE WORKER WITH A LIFE-THREATENING DISEASE;  
13 AND FOR OTHER PURPOSES.  
14

## Subtitle

15 TO PROTECT EMERGENCY RESPONSE WORKERS  
16 THROUGH EVALUATIONS OF INDIVIDUALS  
17 SUSPECTED OF INFECTING AN EMERGENCY  
18 RESPONSE WORKER WITH A LIFE-THREATENING  
19 DISEASE.  
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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25 SECTION 1. Arkansas Code Title 20, Chapter 13 is amended to add an  
26 additional subchapter to read as follows:

27 20-13-1501. Definitions.

28 As used in this subchapter:

29 (1) "Airborne or blood-borne disease" means a potentially life-  
30 threatening disease, including without limitation:

31 (A) Tuberculosis;

32 (B) Hepatitis C; and

33 (C) Hepatitis B.

34 (2) "Emergency response worker" means:

35 (A) Paramedics;

36 (B) Emergency response employees;



- 1                   (C) Fire fighters;
- 2                   (D) First response workers;
- 3                   (E) Emergency medical technicians;
- 4                   (F) Emergency medical services personnel;
- 5                   (G) Volunteers making an authorized emergency response;

6 and

- 7                   (H) A person rendering services as a “Good Samaritan”  
8 under the “Good Samaritan” law, § 17-95-101;

9                   (3) “Health care provider” means any physician, nurse,  
10 paramedic, or other person providing medical, nursing, or other health care  
11 services of any kind; and

12                   (4) “Health care facility” means a hospital, nursing home, blood  
13 bank, blood center, sperm bank, or other health care institution.

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15                   20-13-1502. Possible exposure of emergency response workers to  
16 airborne or blood-borne diseases – Testing.

17                   (a)(1) Consent is not required for a health care provider or health  
18 facility to test an individual for an airborne or blood-borne disease when a  
19 health care provider or an employee of a health care facility has a type of  
20 contact with an individual that may transmit an airborne or blood-borne  
21 disease, as determined by a physician in his or her medical judgment.

22                   (2) The results of the tests authorized under subdivision (a)(1)  
23 of this section shall be provided by the physician ordering the tests to the  
24 affected health care provider’s physician or the employee’s physician and to  
25 the physician of the individual who was tested.

26                   (b)(1) Notwithstanding any other law to the contrary, a person who  
27 performs a test under subsection (a) of this section shall not be subject to  
28 civil or criminal liability for doing so.

29                   (2) Notwithstanding any other law to the contrary, a person who  
30 discloses a test result in accordance with the provisions of subsection (a)  
31 of this section shall not be subject to civil or criminal liability.

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/s/ Reep