

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

# A Bill

HOUSE BILL 1365

5 By: Representatives M. Gray, Speaks  
6 By: Senator Irvin  
7

## 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.  
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## Subtitle

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18 TO ENSURE THAT LAW ENFORCEMENT OFFICERS  
19 AND PERSONNEL ARE PROTECTED FROM LIFE-  
20 THREATENING DISEASES; TO AMEND THE HIV  
21 SHIELD LAW TO INCLUDE PROTECTION FOR LAW  
22 ENFORCEMENT OFFICERS AND PERSONNEL AND  
23 EMERGENCY RESPONSE WORKERS.  
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26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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28 SECTION 1. Arkansas Code § 20-13-1501(2), concerning the definition of  
29 "emergency response worker" concerning protection from life-threatening  
30 diseases, is amended to read as follows:

31 (2) "Emergency 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;

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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~~ an employee of a healthcare facility, 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.

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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) “Emergency response worker” means:
- 23 (A) Paramedics;
  - 24 (B) Emergency response employees;
  - 25 (C) Firefighters;
  - 26 (D) First response workers;
  - 27 (E) Emergency medical technicians;
  - 28 (F) Emergency medical services personnel;
  - 29 (G) Volunteers making an authorized emergency response;
  - 30 (H) Law enforcement officers and personnel; and
  - 31 (I) A person rendering services as a “Good Samaritan”
  - 32 under the “Good Samaritan” law, § 17-95-101;

33 ~~(1)~~(2) “Healthcare provider” means any physician, nurse,

34 paramedic, or other person providing medical, nursing, or other healthcare

35 services of any kind;

36 ~~(2)~~(3) “Health facility” means a hospital, nursing home, blood

1 bank, blood center, sperm bank, or other healthcare institution;

2 ~~(3)~~(4) "HIV" means the human immunodeficiency virus or any other  
 3 identified causative agent of acquired immunodeficiency syndrome (AIDS);

4 ~~(4)~~(5) "Person" includes any natural person, partnership,  
 5 association, joint venture, trust, governmental entity, public or private  
 6 corporation, health facility, or other legal entity; and

7 ~~(5)~~(6) "Test" or "HIV test" means a test to determine the  
 8 presence of the antibody or antigen to HIV or of HIV infection.

9 (b)(1) Consent is not required for a healthcare provider or health  
 10 facility to perform a test when a healthcare provider, ~~or~~ employee of a  
 11 health facility, or emergency response worker is involved in a direct skin or  
 12 mucous membrane contact with the blood or bodily fluids of an individual  
 13 which is of a nature that may transmit HIV, as determined by a physician in  
 14 his or her medical judgment.

15 (2)(A) The results of the test shall be provided by the person  
 16 ordering the test to the affected healthcare provider or employee of a health  
 17 facility, to the healthcare provider's or employee's physician, to the  
 18 individual tested, and to the individual's physician.

19 (B) Appropriate counseling shall be provided along with  
 20 the test results.

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