

SB 1025 A STAFF MEASURE SUMMARY

Carrier: Sen. Manning Jr

Senate Committee On Judiciary

Action Date: 04/18/17

Action: Do pass with amendments. (Printed A-Eng.)

Vote: 5-0-0-0

Yeas: 5 - Dembrow, Linthicum, Manning Jr, Prozanski, Thatcher

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Prepared By: Josh Nasbe, Counsel

WHAT THE MEASURE DOES:

Replaces law allowing public safety officials to compel testing of person for HIV or hepatitis B or C, when official is exposed to person's bodily fluids in course of official duties. Creates similar process for specified law enforcement officials, correctional officers, health care providers and firefighters to petition court for order compelling testing of broader category of communicable diseases.

ISSUES DISCUSSED:

- Exposure to public servants, including police and correctional officers
- Physical and psychological impact on public safety officials and their families as the result of exposure

EFFECT OF AMENDMENT:

Replaces the measure.

BACKGROUND:

Under ORS 433.085, certain public safety officials who come into contact with the bodily fluids of another may petition the court compelling the testing of the other person for HIV or hepatitis B or C. The public safety official must demonstrate that the official has been exposed to bodily fluids and that there is "probable cause to conclude that a significant possibility exists that the petitioner has been exposed to HIV or hepatitis B or C." Senate Bill 1025-A repeals this statute and replaces it with a statute broadly applicable to all communicable diseases that may result in illness, death or severe disability. The bill retains the requirements for the petition but adds that the official must seek voluntary consent from the person to be tested. As under the current procedure, the bill requires the court to act on the petition within three judicial days. The bill authorizes the court to enter an order compelling testing if the court finds "probable cause to conclude that the petitioner's contact with the source person constitutes significant exposure" to potentially infectious materials that is capable of transmitting a communicable disease. The bill maintains the confidentiality of the test results and prohibits the subsequent use of test material in civil or criminal investigation or proceeding.