

SB 1025 A STAFF MEASURE SUMMARY

House Committee On Health Care

Action Date: 05/31/17

Action: Without recommendation as to passage and be referred to Rules.

Vote: 8-0-1-0

Yeas: 8 - Alonso Leon, Greenlick, Hack, Hayden, Kennemer, Keny-Guyer, Malstrom, Nosse

Exc: 1 - Buehler

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

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WHAT THE MEASURE DOES:

Creates process by which certain law enforcement and public safety personnel who, in the performance of their official duties, are exposed to blood, bodily fluid or other potentially infectious materials of another person, may petition the court to compel the testing of the other person for a communicable disease. Requires the court to order testing upon showing that the circumstances create probable cause to conclude that the petitioner's contact with the source person constitutes direct contact with blood, bodily fluids or other potentially infectious materials of the person.

ISSUES DISCUSSED:

- Protection of law enforcement officers' health
- Current delays in receiving test results for medical attention
- Importance of obtaining accurate medical information for potential exposures
- Law enforcement officers performing their responsibilities

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Under ORS 433.085, certain public safety officials who come into contact with the bodily fluids of another may petition the court to compel the testing of the other person for HIV or hepatitis B or C. The public safety official must demonstrate that he or she 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 material 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 a civil or criminal investigation or proceeding.