

SB 1025 B STAFF MEASURE SUMMARY

Carrier: Rep. Barker

House Committee On Rules

Action Date: 07/03/17

Action: Do pass with amendments to the A-Eng bill. (Printed B-Eng.)

Vote: 7-0-2-0

Yeas: 7 - Barreto, Holvey, McLane, Nosse, Rayfield, Smith Warner, Williamson

Exc: 2 - Hack, Kennemer

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. Removes ability of circuit court to order second test, six months after first test, if results were negative.

ISSUES DISCUSSED:

- Provisions of measure

EFFECT OF AMENDMENT:

Makes results of test available to petitioner's designated physician or nurse practitioner, Oregon Health Authority and source person. Removes ability of circuit court to order second test, six months after first test, if results were negative.

BACKGROUND:

Currently, 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 they have 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-B repeals the current statute and replaces it with a statute applicable to all communicable diseases that may result in illness, death, or severe disability. The requirements for the petition are maintained, but adds that the official must seek voluntary consent from the person to be tested. As under the current procedure, the measure requires the court to act on the petition within three judicial days. The measure 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 measure maintains the confidentiality of the test results and prohibits the subsequent use of test material in a civil or criminal investigation or proceeding.