

Department of Fiscal Services  
Maryland General Assembly

FISCAL NOTE

Senate Bill 665 (Senator Green)  
Economic and Environmental Affairs

---

**Public Safety Employees - Contagious Diseases - Testing and Disclosure**

---

This bill sets out procedures by which a court may order blood testing of a person when a public safety employee may have been exposed to HIV or Hepatitis B in the line of duty. The other person may also use the process to have the public safety employee tested.

---

**Fiscal Summary**

**State Effect:** Potential indeterminate increase in general fund expenditures. No effect on revenues.

**Local Effect:** Indeterminate effect on expenditures. No effect on revenues.

---

**Fiscal Analysis**

**Background:** Maryland and federal occupational safety and health regulations require employers to provide HIV and Hepatitis B testing for employees who may have been exposed to either disease in the course of employment. In addition, the person from whom the disease may have been transmitted must be tested unless the person refuses to consent to the testing.

Under current law, a court may order a person to submit to blood testing if the person was charged with a criminal offense where HIV may have been transmitted to the victim.

**State Effect:** The Department of Health and Mental Hygiene provides free HIV testing. To the extent that the bill increases the amount of testing performed by the DHMH, general fund expenditures could increase. An initial HIV (ELISA) test costs \$4.80 and a Hepatitis B test costs \$5.75. In addition, a positive result on the initial HIV test requires a confirmation (Western blot) test at \$21.50. On average, 10% of the initial HIV tests require a confirmation test. Any expenditure increase cannot be reliably estimated at this time.

**Local Expenditures:** The bill specifies that local health officers shall take the blood sample and conduct the HIV and Hepatitis B tests. Some jurisdictions comply with existing federal and State requirements by having the testing done under contract. To the extent that the bill diverts testing to State laboratories, a service provided at no cost to local governments, local expenditures could decrease. To the extent that obtaining court orders increases the number of tests paid for by local governments, expenditures could increase. Any such increase is assumed to be minimal.

---

**Information Source(s):** Judiciary (Administrative Office of the Courts), Department of Health and Mental Hygiene (AIDS Administration), Department of State Police, Department of Public Safety and Correctional Services (State Fire Marshal), 29 CFR 1910.1030(f)(3), COMAR 09.12.31, Prince George's and Worcester counties

**Fiscal Note History:** First Reader - March 11, 1996

ncs

---

Analysis by: Robert C. Bates

Reviewed by: John Rixey

Direct Inquiries to:

John Rixey, Coordinating Analyst

(410) 841-3710

(301) 858-3710