
By: Delegates Nathan-Pulliam, Branch, Ciliberti, D. Davis, Elliott, Frush, D. Hughes, Hubbard, C. Mitchell, McHale, Morhaim, Oaks, Opara, Owings, Stull, and Stup

Introduced and read first time: February 10, 1997

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Task Force to Study HIV Exposure in Maryland Correctional Facilities**

3 FOR the purpose of requiring the appointment of a Task Force to Study HIV Exposure
4 in Maryland Correctional Facilities to conduct a study concerning the issues related
5 to HIV exposure in Maryland correctional facilities; providing for the composition
6 of the Task Force; requiring the Task Force to submit a certain report by a certain
7 date; providing for the termination of this Act; and generally relating to requiring
8 the appointment of a Task Force to conduct a study on HIV in Maryland
9 correctional facilities.

10 Preamble

11 WHEREAS, The law pertaining to required testing when a correctional employee is
12 exposed to inmate bodily fluids presently requires testing for HIV only when the exposure
13 is in connection with the inmate's violation of an institutional regulation and requires that
14 the inmate be found guilty of the regulation infraction; and

15 WHEREAS, The reality of the correctional environment is that correctional
16 employees interact with inmates in a variety of situations. Exposure to bodily fluids could
17 result from recreational accidents, illness, or inmate work-related injuries, to name a few
18 situations. Hence, exposure to bodily fluids may result often from situations other than
19 regulation infractions. Furthermore, due to the close proximity in which correctional
20 employees often must work with high medical risk inmate populations, the probability of
21 staff contact with contaminated bodily fluids from inmates is great; now, therefore,

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
23 MARYLAND, That:

24 (a) (1) There is a Task Force to Study HIV Exposure in Maryland Correctional
25 Facilities.

26 (2) The Task Force shall be appointed by the Governor and consist of at
27 least the following:

28 (i) two representatives of the Department of Public Safety and
29 Correctional Services, one of whom shall be a current warden;

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- 1 (ii) one representative of the Department of Health and Mental
2 Hygiene;
- 3 (iii) one representative of the Maryland State AIDS Administration;
- 4 (iv) the medical director of the Maryland correctional facilities;
- 5 (v) an epidemiologist with expertise in HIV;
- 6 (vi) a behavioral scientist with expertise in HIV;
- 7 (vii) an occupational exposure expert with expertise in HIV;
- 8 (viii) a correctional officer;
- 9 (ix) a former inmate;
- 10 (x) one representative from the AIDS Legislative Committee;
- 11 (xi) a prisoner advocate; and
- 12 (xii) an administrator of the local correctional facility.

13 (b) The study shall include:

- 14 (1) an assessment of the nature of potential and actual exposures between
15 inmates and correctional officers;
- 16 (2) an assessment of HIV education and training for correctional officers
17 and inmates, including defining and identifying exposure, preventing exposure and
18 transmission, and protocols and intervention to treat actual exposures;
- 19 (3) the feasibility and cost-effectiveness of mandatory HIV antibody testing
20 of inmates and correctional officers;
- 21 (4) the current status of treatment for HIV and AIDS infected correctional
22 officers and inmates;
- 23 (5) the feasibility of and procedures for providing adequate and appropriate
24 treatment to correctional officers and inmates who are infected with HIV; and
- 25 (6) findings and recommendations from relevant national advisory
26 committees, federal agencies, and peer-reviewed medical, public health, correctional, and
27 legal literature.

28 (c) The Task Force shall submit a report on the results of its investigation and
29 study, together with any policy recommendations, to the House Environmental Matters
30 Committee, to the Senate Economic and Environmental Affairs Committee, to the
31 Governor, and, subject to § 2-1312 of the State Government Article, to the General
32 Assembly on or before January 1, 1998.

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 July 1, 1997. It shall remain effective for a period of 1 year and, at the end of June 30,
35 1998, with no further action required by the General Assembly, this Act shall be
36 abrogated and of no further force and effect.

