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

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Assigned to: Environmental Matters

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Committee Report: Favorable with amendments

House action: Adopted

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CHAPTER \_\_\_\_

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:

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

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

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

7 (ii) one representative of the Department of Health and Mental  
8 Hygiene;

9 (iii) one representative of the Maryland State AIDS Administration;

10 (iv) the medical director of the Maryland correctional facilities;

11 (v) an epidemiologist with expertise in HIV;

12 (vi) a behavioral scientist with expertise in HIV;

13 (vii) an occupational exposure expert with expertise in HIV;

14 (viii) a correctional officer;

15 (ix) a former inmate;

16 (x) one representative from the AIDS Legislative Committee;

17 (xi) a prisoner advocate; ~~and~~

18 (xii) an administrator of the local correctional facility;

19 (xiii) one representative of the Maryland Classified Employees  
20 Association; and

21 (xiv) one representative of the American Federation of State, County,  
22 and Municipal Employees (AFSCME).

23 (b) The study shall include:

24 (1) an assessment of the nature of potential and actual exposures between  
25 inmates and correctional officers;

26 (2) an assessment of HIV education and training for correctional officers  
27 and inmates, including defining and identifying exposure, preventing exposure and  
28 transmission, and protocols and intervention to treat actual exposures;

29 (3) the feasibility and cost-effectiveness of mandatory HIV antibody testing  
30 of inmates and correctional officers;

31 (4) the current status of treatment for HIV and AIDS infected correctional  
32 officers and inmates;

33 (5) the feasibility of and procedures for providing adequate and appropriate  
34 treatment to correctional officers and inmates who are infected with HIV; and

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1                   (6) findings and recommendations from relevant national advisory  
2 committees, federal agencies, and peer-reviewed medical, public health, correctional, and  
3 legal literature.

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

9                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
10 July 1, 1997. It shall remain effective for a period of 1 year and, at the end of June 30,  
11 1998, with no further action required by the General Assembly, this Act shall be  
12 abrogated and of no further force and effect.