

# HOUSE BILL 216

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7lr1239  
CF SB 693

By: **Delegates Morhaim, Anderson, Aumann, Beitzel, Benson, Bohanan, Bromwell, Burns, Cane, Cardin, Costa, DeBoy, Donoghue, Elliott, Frank, Hammen, Healey, Jennings, Jones, Kach, Kelly, Kipke, Kullen, Lafferty, Lawton, Malone, McDonough, Montgomery, Nathan-Pulliam, Oaks, Pena-Melnyk, Pendergrass, Riley, Stein, Stull, Tarrant, Weir, and Weldon**

Introduced and read first time: January 29, 2007

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 14, 2007

## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **HIV Testing - ~~Prohibited Exposure - Victims~~ Forensic Scientist**

3 FOR the purpose of ~~including a forensic scientist who works under the direction of a~~  
4 ~~law enforcement agency within the list of possible victims of prohibited~~  
5 ~~exposure to HIV~~; including a forensic scientist who works under the direction of  
6 a law enforcement agency within the definition of a public safety worker  
7 required to test for HIV in the event of a certain exposure; and generally  
8 relating to ~~victims of prohibited~~ HIV exposure.

9 ~~BY repealing and reenacting, with amendments,~~  
10 ~~Article - Criminal Procedure~~  
11 ~~Section 11-107~~  
12 ~~Annotated Code of Maryland~~  
13 ~~(2001 Volume and 2006 Supplement)~~

14 BY repealing and reenacting, with amendments,

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### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



Article – Health – General  
Section 18–338.3(a)(8)  
Annotated Code of Maryland  
(2005 Replacement Volume and 2006 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
MARYLAND, That the Laws of Maryland read as follows:

~~Article – Criminal Procedure~~

~~11–107.~~

(a) ~~In Part II of this subtitle the following words have the meanings indicated.~~

(b) ~~“Charged” means to be the subject of an indictment, an information, or a petition alleging a delinquent act.~~

(c) ~~“Health officer” has the meaning stated in § 1–101 of the Health General Article.~~

(d) ~~“HIV” means any human immunodeficiency virus that causes Acquired Immune Deficiency Syndrome (AIDS).~~

(e) (1) ~~“Prohibited exposure” means a crime or delinquent act that may have caused or resulted in exposure to HIV.~~

(2) ~~“Prohibited exposure” includes:~~

(i) ~~contact that occurs on penetration, however slight, between the penis and the vulva or anus; and~~

(ii) ~~contact between the mouth and the penis, vulva, or anus.~~

(f) (1) ~~“Victim” means the victim of a prohibited exposure.~~

(2) ~~“Victim” includes:~~

(i) ~~a law enforcement officer who is exposed to HIV while acting in the performance of duty; [and]~~

~~(ii) a paid or volunteer firefighter, an emergency medical technician, or rescue squad member who is exposed to HIV while acting in the performance of duty; AND~~

~~(iii) A FORENSIC SCIENTIST, WORKING UNDER THE DIRECTION OF A LAW ENFORCEMENT AGENCY, WHO IS EXPOSED TO HIV WHILE ACTING IN THE PERFORMANCE OF DUTY.~~

~~(g) "Victim's representative" means:~~

~~(1) the parent of a victim who is a minor;~~

~~(2) the legal guardian of a victim; or~~

~~(3) the person authorized to give consent for the victim under § 5-605 of the Health General Article.~~

## Article - Health - General

18-338.3.

(a) (8) "Public safety worker" means:

(i) A career or volunteer member of a fire, rescue, or emergency medical services department, company, squad, or auxiliary;

(ii) A law enforcement officer; [or]

(iii) The State Fire Marshal or a sworn member of the State Fire Marshal's office; **OR**

**(IV) A FORENSIC SCIENTIST THAT WORKS UNDER THE DIRECTION OF A LAW ENFORCEMENT AGENCY.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2007.