

ENGROSSED HOUSE
BILL NO. 2214

BY: JOHNSON (Rob) and VAUGHN
(Ray) of the HOUSE

and

SMITH of the SENATE

(PUBLIC HEALTH AND SAFETY - AMENDING 63 O.S.

1991, SECTION 1-502.3 - COMMUNICABLE DISEASES -

EFFECTIVE DATE)

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 63 O.S. 1991, Section 1-502.3, is amended to read as follows:

Section 1-502.3 A. No person who withdraws or tests blood for human immunodeficiency virus or employer of such person nor any hospital or health care facility where blood is withdrawn or tested for human immunodeficiency virus, shall incur any civil or criminal liability as a result of the proper withdrawal of blood or testing for human immunodeficiency virus, when acting in ~~accordance~~ compliance with the provisions of this ~~act~~, if section. The withdrawal or testing shall be performed in a reasonable manner, according to generally accepted clinical practice. ~~If the~~ The person ~~is,~~ employer or facility shall be presented with a:

1. A written statement ~~(1)~~ by the person whose blood is to be withdrawn and tested; or ~~(2)~~

2. A written statement from a health care or emergency care worker verifying ~~a substantial exposure to human immunodeficiency virus from~~ that the health care or emergency care worker in an

occupational setting has been exposed to the bodily fluids of the person whose blood is to be withdrawn and tested, which exposure placed the health care or emergency care worker at risk for transfer of the bodily fluids; or ~~(3) an~~

3. An order from a court of competent jurisdiction that blood be withdrawn and tested.

When presented with such a statement or court order, the person authorized to withdraw the blood, the employer and the hospital or other health care facility where the withdrawal or testing occurs may rely on such statement or order as evidence that the person has consented to or has been required to submit to the clinical procedure and shall not be required to ~~sign~~ obtain any additional consent, acknowledgement or waiver form. ~~In such case, the person authorized to perform the procedure, the employer of such person, and the hospital or other health care facility shall not be liable in any action alleging lack of consent or lack of informed consent.~~

B. No person specified in this section shall incur any civil or criminal liability for:

1. Providing results of the testing to:

- a. the person whose blood was tested,
- b. the person incurring the exposure, or
- c. the Oklahoma State Department of Health or such agency it may designate;

2. Not providing the results of the testing to any other person; or

3. Failing to diagnose or falsely diagnosing the presence of the human immunodeficiency virus where the procedure was performed in a reasonable manner according to generally accepted clinical practice.

C. For the purposes of this section:

1. "Bodily fluids" means fluids which have been medically proven and medically accepted transmitters or conductors of human immunodeficiency virus; and

2. "Health care worker" or "emergency care worker" means one of the persons specified in subsection A of Section 1-502.1 of this title.

SECTION 2. This act shall become effective September 1, 1992.

Passed the House of Representatives the 9th day of March, 1992.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1992.

President of the Senate