

Amendment to SB 59

1 Amend RSA 141-G:8, IV as inserted by section 1 of the bill by replacing it with the following:

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3 IV. "Court" means the district division of the circuit court.

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5 Amend RSA 141-G:10, I(a) as inserted by section 1 of the bill by replacing it with the following:

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7 (a) While providing or receiving emergency health services; or

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9 Amend RSA 141-G:10, III(a) as inserted by section 1 of the bill by replacing it with the following:

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11 (a) Include a medical evaluation, including a blood test, by a physician, physician
12 assistant, or advanced practice registered nurse confirming that the exposure to the source
13 individual puts the applicant at reasonable risk for possible exposure to a bloodborne pathogen;

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15 Amend RSA 141-G:11, I(d) as inserted by section 1 of the bill by replacing it with the following:

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17 (d) An analysis of the applicant's blood and bodily fluids would not determine, in a
18 timely manner, whether the applicant has been infected by a bloodborne pathogen;

19

20 Amend RSA 141-G:11, II as inserted by section 1 of the bill by inserting after subparagraph (c) the
21 following new subparagraph:

22

23 (d) Shall not require testing for any substance in the blood other than bloodborne pathogens.

24

25 Amend RSA 141-G:11, IV as inserted by section 1 of the bill by replacing it with the following:

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27 IV. The blood sample taken in compliance with an order issued under this section shall not
28 be tested at any time for any civil or criminal matter or for any purpose not authorized in this
29 subdivision.

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V. A decision of the court under paragraph I may be appealed to the superior court.

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32 Amend the introductory paragraph of RSA 141-G:16 as inserted by section 1 of the bill by replacing
33 it with the following:

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1 No legal proceeding for damages may be commenced or maintained against a person who in good
2 faith, and not in a wanton or reckless manner, engages in any act or omission:

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4 Amend RSA 141-G:15 as inserted by section 1 of the bill by replacing it with the following:

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6 141-G:15 Costs. Subject to rules adopted by the commissioner under RSA 141-G:19, an
7 applicant's workers' compensation insurance carrier shall be responsible for paying the costs
8 relating to a testing order. Subject to rules adopted by the commissioner under RSA 141-G:19, the
9 private health or automobile insurance of an applicant who does not have access to workers'
10 compensation insurance which would cover medication for prophylaxis against potential bloodborne
11 pathogens shall be responsible for paying the costs relating to a testing order. An applicant without
12 insurance coverage may request testing under this subdivision, however, he or she shall be
13 responsible for paying for the testing order and may be required to pay for testing in advance.

14
15 Amend RSA 141-G:18 as inserted by section 1 of the bill by replacing it with the following:

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17 141-G:18 Penalties.

18 I. Any source individual who purposely contravenes a testing order shall be guilty of a
19 violation.

20 II. Any person who purposely violates the provisions of RSA 141-G:14, shall be guilty of a
21 misdemeanor.

22 III. If an offense under this subdivision continues for more than one day, a fine may be
23 imposed for each day the offense continues, provided that the sum of such fines shall not exceed the
24 maximum fine for the offense.

25
26 Amend RSA 141-G:19, II(i) as inserted by section 1 of the bill by replacing it with the following:

27
28 (i) The reporting procedures for test results if the applicant's or source individual's
29 physician, physician assistant, or advanced practice registered nurse is not known or the applicant
30 or source individual does not have one.

31
32 Amend RSA 141-G:19, II(k) as inserted by section 1 of the bill by replacing it with the following:

33
34 (k) Circumstances in which workers' compensation insurance, the government, and
35 private health or automobile insurance shall be responsible for paying the costs referred to in RSA
36 141-G:15.

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AMENDED ANALYSIS

This bill creates a process for certain individuals to request a blood testing order when they have been exposed to another individual's bodily fluids.