

**HOUSE BILL No. 2015**

By Committee on Judiciary

1-11

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1 AN ACT concerning public health; relating to infectious disease;  
2 authorizing the designee of an employing agency or entity to petition  
3 the court for an order requiring infectious disease testing; ***{requiring***  
4 ***such petition to contain a physician's statement that the test results***  
5 ***sought are required for the exposed employee's medical treatment;}***  
6 amending K.S.A. 65-6008 and repealing the existing section.  
7

8 *Be it enacted by the Legislature of the State of Kansas:*

9 Section 1. K.S.A. 65-6008 is hereby amended to read as follows: 65-  
10 6008. (a) If a corrections officer, emergency services employee, law  
11 enforcement employee or juvenile correctional facility staff comes in  
12 contact with or otherwise is exposed to transmission of body fluids from  
13 one or more other persons while performing duties within the scope of  
14 such employee's duties as an employee, the head of the employing agency  
15 or entity, *or the agency or entity head's designee*, may make application to  
16 a court of competent jurisdiction for an order requiring such other person  
17 or persons to submit to infectious disease tests.

18 (b) ***{(1)}*** Such application shall include~~;~~:

19 ***{(A)}*** An allegation that the person or persons sought to be tested have  
20 been requested to submit voluntarily to infectious disease tests and have  
21 refused the tests~~;~~; ***and***

22 ***{(B)}*** ***the statement of a person licensed by the state board of healing***  
23 ***arts to practice medicine and surgery that the individual described in***  
24 ***subsection (a) is undergoing or may require medical treatment that is***  
25 ***dependent on the infectious disease test results sought in the***  
26 ***application}***.

27 ***{(2)}*** When any such application is received, the court shall *promptly*  
28 hold a hearing ~~forthwith~~ and shall issue its order thereon immediately if  
29 the court finds that:

30 ~~***{(1)}***~~***{(A)}*** There is probable cause to believe that the employee  
31 involved has come in contact with or otherwise has been exposed to  
32 transmission of the body fluids of the person or persons sought to be  
33 tested; and

34 ~~***{(2)}***~~***{(B)}*** the person or persons sought to be tested have been

1 requested to submit to the tests and have refused, unless the court makes a  
2 further finding that exigent circumstances exist which, in the court's  
3 judgment, would excuse the applicant from making such a request.

4 (c) If an infectious disease test ordered pursuant to this section results  
5 in a negative reaction, the court shall order the person tested to submit to  
6 another infectious disease test six months from the date the first test was  
7 administered.

8 (d) The results of any infectious disease test ordered pursuant to this  
9 section shall be disclosed to the court—~~which~~ *that* ordered the test, the  
10 employee and the person tested. If an infectious disease test ordered  
11 pursuant to this section results in a positive reaction, the results shall be  
12 reported to the employee.

13 Sec. 2. K.S.A. 65-6008 is hereby repealed.

14 Sec. 3. This act shall take effect and be in force from and after its  
15 publication in the ~~statute book~~ ***Kansas register.***