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**Testimony to the Senate Public Health and Welfare Committee
In Support of HB2224**

March 25, 2021

Chairman Hilderbrand and Committee Members,

History

HB2224 is the same bill as 2020 SB491 with the exception of one amendment made by the House Committee. 2020 SB491 passed the Senate last year 39-0. The House amendment is found on page 2 lines 25-31 and rewords the provisions on when the test is to be ordered. The change is to clarify the test is dependent upon the alleged offender is charged, not just arrested.

What The Existing Statute Does

KSA 65-6008 provides for court ordered testing for infectious diseases of an individual exposing a corrections officer, emergency services employee, law enforcement employee or juvenile correctional facility staff to bodily fluids. KSA 65-6009 provides for court ordered testing for infectious disease of an individual who has been arrested or convicted and exposed another (ex: first responder or victim) to bodily fluids.

The Problem The Bill Addresses

The current statutes referenced above only allow testing for HIV/AIDS and Hepatitis B. Recently we have encountered problems getting the court ordered testing because the suspected infectious disease is Hepatitis C or other infectious disease not listed in the statutes.

What the Bill Does

In 2013, the legislature passed a bill amending KSA 65-128 to require the Department of Health and Environment to identify the infectious diseases that medical personnel and first responders are exposed to. The bill updates the laws cited above by referencing the list of infectious diseases identified by the Department of Health and Environment instead of only covering HIV/AIDS and Hepatitis B. That reference is found in the revised KSA 65-6001 and found on page 2, lines 8-10. KSA 65-6008 is fixed without further revision by the change in KSA 65-6001. And KSA 65-6009 is fixed by striking the language on page 3, lines 19-20 which allows the new definition in KSA 65-6001 to be applicable.

Why This is Important

People in the listed professions and crime victims are occasionally exposed, sometimes intentionally and sometimes unintentionally, to body fluids of drug users and other person at high risk of infectious disease. When exposures occur, it is critical to the health of those exposed to identify if the exposure was from a person who truly has an infectious disease. This allows quick treatment to avoid or control infection as well as avoids unnecessary treatment if the person is found not to have an infectious disease.

The COVID pandemic has made this change even more urgent. Under current law, testing a person exposing us to body fluids as described in KSA 65-6008 or 65-6009 for COVID is not included, but it would be included with the proposed amendments.

We respectfully urge you to move this bill favorably for passage. We also ask for consideration to place it on the consent calendar if possible.

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