

HOUSE BILL No. 2015

By Committee on Judiciary

1-11

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; amending
4 K.S.A. 65-6008 and repealing the existing section.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 65-6008 is hereby amended to read as follows: 65-
8 6008. (a) If a corrections officer, emergency services employee, law
9 enforcement employee or juvenile correctional facility staff comes in
10 contact with or otherwise is exposed to transmission of body fluids from
11 one or more other persons while performing duties within the scope of
12 such employee's duties as an employee, the head of the employing agency
13 or entity, *or the agency or entity head's designee*, may make application to
14 a court of competent jurisdiction for an order requiring such other person
15 or persons to submit to infectious disease tests.

16 (b) Such application shall include an allegation that the person or
17 persons sought to be tested have been requested to submit voluntarily to
18 infectious disease tests and have refused the tests. When any such
19 application is received, the court shall *promptly* hold a hearing ~~forthwith~~
20 and shall issue its order thereon immediately if the court finds that:

21 (1) There is probable cause to believe that the employee involved has
22 come in contact with or otherwise has been exposed to transmission of the
23 body fluids of the person or persons sought to be tested; and

24 (2) the person or persons sought to be tested have been requested to
25 submit to the tests and have refused, unless the court makes a further
26 finding that exigent circumstances exist which, in the court's judgment,
27 would excuse the applicant from making such a request.

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

32 (d) The results of any infectious disease test ordered pursuant to this
33 section shall be disclosed to the court ~~which~~ *that* ordered the test, the
34 employee and the person tested. If an infectious disease test ordered
35 pursuant to this section results in a positive reaction, the results shall be
36 reported to the employee.

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 K.S.A. 65-6008 is hereby repealed.

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