

904.514 Required test.

1. A person committed to an institution under the control of the department who bites another person, who causes an exchange of bodily fluids with another person, or who causes any bodily secretion to be cast upon another person, shall submit to the withdrawal of a bodily specimen for testing to determine if the person is infected with a contagious infectious disease. The bodily specimen to be taken shall be determined by the staff physician of the institution. The specimen taken shall be sent to the state hygienic laboratory or some other laboratory approved by the department of health and human services. If a person to be tested pursuant to [this section](#) refuses to submit to the withdrawal of a bodily specimen, application may be made by the superintendent of the institution to the district court for an order compelling the person to submit to the withdrawal and, if infected, to available treatment. An order authorizing the withdrawal of a specimen for testing may be issued only by a district judge or district associate judge upon application by the superintendent or district director, as applicable, of the institution.

2. Failure to comply with an order issued pursuant to [this section](#) may result in the forfeiture of good conduct time, not to exceed one year, earned up to the time of the failure to comply.

3. Personnel at an institution under the control of the department shall be notified if a person committed to any of these institutions is found to have a contagious infectious disease.

4. The department shall adopt policies and procedures to prevent the transmittal of a contagious infectious disease to other persons.

5. For purposes of [this section](#), “*infectious disease*” means any infectious condition which if spread by contamination would place others at a serious health risk.

[87 Acts, ch 185, §1](#)

[CS87, §246.514](#)

[C93, §904.514](#)

[2018 Acts, ch 1041, §127; 2023 Acts, ch 19, §1336; 2024 Acts, ch 1182, §72](#)