

House File 777 - Reprinted

HOUSE FILE _____
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 625)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to testing a person for contagious or infectious
2 disease if the person assaults a person by exchanging or
3 attempting to exchange bodily fluids, and providing a penalty.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 HF 777
6 jm/es/25

PAG LIN

1 1 Section 1. Section 356.48, Code 2005, is amended to read
1 2 as follows:
1 3 356.48 REQUIRED TEST.
1 4 1. A person confined to a jail or in the custody of a
1 5 peace officer, who bites another person, who causes an
1 6 exchange of bodily fluids with another person, or who causes
1 7 any bodily secretion to be cast upon another person, shall
1 8 submit to the withdrawal of a bodily specimen for testing to
1 9 determine if the person is infected with a contagious or
1 10 infectious disease as defined in section 141A.2. The bodily
1 11 specimen to be taken shall be determined by the attending
1 12 physician of ~~that the~~ jail or the county medical examiner.
1 13 The specimen taken shall be sent to the state hygienic
1 14 laboratory at the state university at Iowa City or some other
1 15 laboratory approved by the Iowa department of public health.
1 16 If a person to be tested pursuant to this section refuses to
1 17 submit to the withdrawal of a bodily specimen, ~~application may~~
1 18 ~~be made by the sheriff, or person in charge of the jail to, or~~
1 19 ~~any potentially infected person may file an application with~~
1 20 ~~the district court for an order compelling the person that may~~
1 21 ~~have caused an infection to submit to the withdrawal and, if~~
1 22 ~~infected, to receive available treatment. An order~~
1 23 ~~authorizing the withdrawal of a specimen for testing may be~~
1 24 ~~issued only by a district judge or district associate judge~~
1 25 ~~upon application by the sheriff, or person in charge of the~~
1 26 ~~jail, or any other potentially infected person.~~
1 27 2. A person who fails to comply with an order issued
1 28 pursuant to this section is guilty of a serious misdemeanor.
1 29 3. Personnel at the jail shall be notified if a person
1 30 confined is found to have a contagious or infectious disease.
1 31 4. The sheriff, ~~or~~ person in charge of the jail, or any
1 32 other potentially infected person shall take any appropriate
1 33 measure to prevent the transmittal of a contagious or
1 34 infectious disease to other persons, ~~including the segregation~~
1 35 ~~of. The sheriff or person in charge of the jail shall also~~
2 1 ~~segregate~~ a confined person who tests positive for acquired
2 2 immune deficiency syndrome from other confined persons.
2 3 ~~For purposes of this section, "infectious disease" means~~
2 4 ~~any infectious condition which if spread by contamination~~
2 5 ~~would place others at serious health risk.~~
2 6 HF 777
2 7 jm:nh/es/25