

H.B. 427

POST-EXPOSURE BLOOD TESTING AMENDMENTS

HOUSE COMMITTEE AMENDMENTS

AMENDMENT 3

MARCH 4, 2015 3:53 PM

Representative **Edward H. Redd** proposes the following amendments:

1. *Page 2, Lines 37 through 44:*

37 (2) (a) The petitioner may submit by electronic or other means an ex parte request for
38 an order authorizing a blood draw from the respondent.

39 (b) ~~{ If the court finds that, on the basis of the information in the ex parte request, the~~
40 ~~petitioner was significantly exposed during the course of performing the petitioner's duties as~~
41 ~~an emergency provider and that there is a reasonable likelihood that there will not be an~~
42 ~~opportunity to obtain a sample at a later date, the court shall issue an order authorizing the~~
43 ~~petitioner to obtain a specimen of the person's blood, and that reasonable force may be used, if~~
44 ~~necessary.~~ }

The court or magistrate shall issue a warrant authorizing the petitioner to obtain a specimen of the person's blood, and that reasonable force may be used, if necessary, if the court or magistrate finds that:

(a) the petitioner was significantly exposed during the course of performing the petitioner's duties as an emergency services or first aid provider;

(b) the respondent has refused consent to the blood draw or is unable to give consent;

(c) there will not be an opportunity to obtain a sample at a later date; and

(d) a delay in administering available FDA-approved post-exposure treatment or prophylaxis could result in a lack of effectiveness of the treatment or prophylaxis.