

76-5-102.9 Propelling a bodily substance -- Penalties.

- (1) As used in this section, a listed substance or material is:
 - (a) saliva, blood, urine, or fecal material;
 - (b) an infectious agent as defined in Section 26-6-2 of a material that carries an infectious agent;
or
 - (c) vomit or a material that carries vomit.
- (2) Any person who knowingly or intentionally throws or otherwise propels any bodily substance or material listed under Subsection (1) at another person is guilty of a class B misdemeanor, except as provided in Subsection (3).
- (3) A violation of this section is a class A misdemeanor if the substance or material propelled is listed in Subsection (1), and:
 - (a) if the substance is the person's saliva, the person knows he or she is infected with HIV, hepatitis B, or hepatitis C; or
 - (b) the substance or material comes into contact with any portion of the other person's face, including the eyes or mouth, or comes into contact with any open wound on the other person's body.
- (4) If an offense committed under this section amounts to an offense subject to a greater penalty under another provision of state law than under this section, this section does not prohibit prosecution and sentencing for the more serious offense.

Enacted by Chapter 153, 2013 General Session