

28 (1) An emergency services provider or first aid volunteer who is significantly exposed
 29 during the course of performing the emergency services provider's duties or during the course
 30 of performing emergency assistance or first aid may:

31 (a) request that the person to whom the emergency services provider or first aid
 32 volunteer was significantly exposed voluntarily submit to testing; or

33 (b) petition the district court or a magistrate for an order requiring that the person to
 34 whom the emergency services provider or first aid volunteer was significantly exposed submit
 35 to testing to determine the presence of a disease, as defined in Section 78B-8-401, and that the
 36 results of that test be disclosed to the petitioner by the Department of Health.

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) ~~H→ [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~~
 44a ~~specimen of the person's blood, and that reasonable force may be used, if necessary, if the~~
 44b ~~court or magistrate finds that:~~

44c (a) the petitioner was significantly exposed during the course of performing the
 44d petitioner's duties as an emergency services or first aid provider;

44e (b) the respondent has refused consent to the blood draw or is unable to give consent;

44f (c) there will not be an opportunity to obtain a sample at a later date; H→ [and] or ←H

44g (d) a delay in administering available FDA-approved post-exposure treatment or
 44h prophylaxis could result in a lack of effectiveness of the treatment or prophylaxis. ←H

45 (c) Depending upon the location of the respondent, the petitioner shall request a person
 46 authorized under Section 41-6a-523 perform the blood draw.

47 (d) A sample drawn in accordance with an order following an ex parte request shall be
 48 sent to the Department of Health for testing.

49 [(2)] (3) (a) [The] If a petitioner does not seek or obtain authorization pursuant to
 50 Subsection (2), the petitioner [shall] may file a petition with the district court seeking an order
 51 to submit to testing and to disclose the results in accordance with the provisions of this section.

52 (b) The petition shall be sealed upon filing and made accessible only to the petitioner,
 53 the subject of the petition, and their attorneys, upon court order.

54 [(3)] (4) (a) The petition described in Subsection [(2)] (3) shall be accompanied by an
 55 affidavit in which the petitioner certifies that the petitioner has been significantly exposed to
 56 the individual who is the subject of the petition and describes that exposure.

57 (b) The petitioner shall submit to testing to determine the presence of a disease, when
 58 the petition is filed or within three days after the petition is filed.