



House of Representatives *State of Utah*

UTAH STATE CAPITOL COMPLEX • 350 STATE CAPITOL
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March 5, 2015

Mr. Speaker:

The Health and Human Services Committee reports a favorable recommendation on **H.B. 427**, POST-EXPOSURE BLOOD TESTING AMENDMENTS, by Representative E. Redd, with 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;

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(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.

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Respectfully,

Kay L. McIff
Committee Chair

Voting: 9-0-3

3 HB0427.HC1.WPD 3/5/15 5:49 pm markandrews/MDA ECM/GAG

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