

59 ~~[(6) "Public safety officer" means a peace officer as]~~

60 ~~[(7)]~~ (8) "Significant exposure" and "significantly exposed" mean:

61 (a) exposure of the body of one person to the blood or body fluids of another person
62 by:

63 (i) percutaneous injury, including a needle stick, cut with a sharp object or instrument,
64 or a wound resulting from a human bite, scratch, or similar force; or

65 (ii) contact with an open wound, mucous membrane, or nonintact skin because of a cut,
66 abrasion, dermatitis, or other damage; or

67 (b) exposure that occurs by any other method of transmission defined by the Labor
68 Commission, in consultation with the Department of Health, as a significant exposure.

69 Section 2. Section **78B-8-402** is amended to read:

70 **78B-8-402. Petition -- Disease testing -- Notice -- Payment for testing.**

71 (1) An emergency services provider or first aid volunteer who is significantly exposed
72 during the course of performing the emergency services provider's duties or during the course
73 of performing emergency assistance or first aid, or a health care provider acting in the course
74 and scope of the health care provider's duties as a health care provider may:

75 (a) request that the person to whom the emergency services provider ~~[or]~~, first aid
76 volunteer, or health care provider was significantly exposed voluntarily submit to testing; or

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

82 (2) (a) A law enforcement agency may submit on behalf of the petitioner ~~H→~~ **[who is an**
83 **emergency services provider or first aid volunteer]** ~~←H~~ by electronic or other means an ex parte
84 request for a warrant ordering a blood draw from the respondent.

85 ~~H→ [(b) A health care provider, or the health care provider's designee, may submit by~~
86 ~~electronic or other means an ex parte request for a warrant ordering a blood draw from the~~
87 ~~respondent.]~~

88 [f] (b) ~~[+c)]~~ ~~←H~~ The court or magistrate shall issue a warrant ordering the respondent to
89 provide a specimen of the respondent's blood within 24 hours, and that reasonable force may be

90 used, if necessary, if the court or magistrate finds that:

91 (i) the petitioner was significantly exposed during the course of performing the
92 petitioner's duties as an emergency services ~~[or] provider~~, first aid ~~[provider]~~ volunteer, or
93 health care provider;

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

95 (iii) there may not be an opportunity to obtain a sample at a later date; and

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

98 ~~H~~→ [f] (c) ~~[+d)]~~ ←~~H~~ The petitioner shall request a person authorized under Section
98a 41-6a-523

99 perform the blood draw.

100 ~~H~~→ [f] (d) ~~[+e)]~~ ←~~H~~ A sample drawn in accordance with a warrant following an ex parte
100a request

101 shall be sent to the Department of Health for testing.

102 (3) If a petitioner does not seek or obtain a warrant pursuant to Subsection (2), the
103 petitioner may file a petition with the district court seeking an order to submit to testing and to
104 disclose the results in accordance with ~~[the provisions of]~~ this section.

105 (4) (a) The petition described in Subsection (3) shall be accompanied by an affidavit in
106 which the petitioner certifies that the petitioner has been significantly exposed to the individual
107 who is the subject of the petition and describes that exposure.

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

110 (5) The petitioner shall cause the petition required under this section to be served on
111 the person who the petitioner is requesting to be tested in a manner that will best preserve the
112 confidentiality of that person.

113 (6) (a) The court shall set a time for a hearing on the matter within 10 days after the
114 petition is filed and shall give the petitioner and the individual who is the subject of the petition
115 notice of the hearing at least 72 hours prior to the hearing.

116 (b) The individual who is the subject of the petition shall also be notified that the
117 individual may have an attorney present at the hearing and that the individual's attorney may
118 examine and cross-examine witnesses.

119 (c) The hearing shall be conducted in camera.

120 (7) The district court may enter an order requiring that an individual submit to testing,