

Date: (Filing No. H-)

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
128TH LEGISLATURE
FIRST REGULAR SESSION**

HOUSE AMENDMENT “ ” to COMMITTEE AMENDMENT “B” to H.P. 1036,
L.D. 1512, Bill, “An Act To Protect the Health and Safety of First Responders”

Amend the amendment by inserting after the first indented paragraph after the title
the following:

'Amend the bill by striking out all of section 2 and inserting the following:

'**Sec. 2. 22 MRSA §832-A** is enacted to read:

§832-A. Emergency blood-borne pathogen testing

1. Definitions. As used in this section, unless the context otherwise indicates, the
following terms have the following meanings.

A. "Aggressive blood-borne pathogen" means a blood-borne pathogen whose
pathology is such that a person who has been exposed to the pathogen must receive
medical treatment to have a chance to effectively neutralize the pathogen.

B. "Body fluids" means body fluids that are excreted or secreted from the body,
including, but not limited to, urine, feces, blood or saliva.

C. "Emergency medical care provider" has the same meaning as in Title 17-A,
section 752-C, subsection 2.

D. "Firefighter" has the same meaning as in Title 17-A, section 752-E, subsection 2.

E. "First responder" means a law enforcement officer, firefighter or emergency
medical care provider.

F. "Law enforcement officer" has the same meaning as in Title 17-A, section 2,
subsection 17.

2. Testing; expedited hearing. When a first responder has been exposed to a
person's body fluids in the course of the first responder's official duties, the first
responder or the first responder's designee may ask the person whose body fluids were the
source of exposure to the first responder to submit to a blood test. If the person refuses,
the first responder may petition the court and, if there is reasonable cause to suspect that
the person's body fluids might contain an aggressive blood-borne pathogen, the court may

1 order that a hearing be held in accordance with the procedures set forth in section 832,
2 except that:

3 A. Upon receipt by the District Court of the petition, the court shall schedule a
4 hearing to be held within 72 hours of the filing of the petition;

5 B. Any appeal of the District Court's decision must be filed no later than 24 hours
6 following the court's decision; and

7 C. Upon receipt by the Superior Court of an appeal under paragraph B, the court
8 shall schedule a hearing to be held within 72 hours.'

9 SUMMARY

10 This amendment replaces the provision of Committee Amendment "B" regarding
11 emergency blood-borne pathogen testing. Under this amendment, if a first responder who
12 has been exposed to a person's body fluids in the course of the first responder's official
13 duties petitions the court to order a blood test:

14 1. The District Court must schedule a hearing to be held within 72 hours of the filing
15 of the petition;

16 2. Any appeal of the District Court's decision must be filed no later than 24 hours
17 following the court's decision; and

18 3. Upon receipt by the Superior Court of the appeal, the court must schedule a
19 hearing to be held within 72 hours.

20 **SPONSORED BY:** _____

21 **(Representative LONGSTAFF)**

22 **TOWN: Waterville**