

HB 1692 -- COMMUNICABLE DISEASE

SPONSOR: McCreery

This bill modifies the laws regarding Human Immunodeficiency Virus (HIV), and applies the law to all serious infectious or communicable diseases, instead of only HIV. A serious infectious or communicable disease is a non-airborne disease that is transmitted from person to person and determined to have significant, long-term implications on physical health or life activities.

It shall be a class B misdemeanor for a person knowingly infected with a serious infectious or communicable disease to, with the specific purpose of transmitting a serious infectious or communicable disease, expose another person to that disease through an activity that has substantial risk of disease transmission, as determined by the Centers for Disease Control and Prevention or other epidemiological evidence. If disease transmission occurs, it is a class A misdemeanor.

A person is not considered to act purposefully if the person takes or attempts to take practical means to prevent transmission, meaning a good faith employment of any method, device, behavior, or activity demonstrated scientifically to measurably limit or reduce the risk of transmission. This includes, but is not limited to the use of a condom, barrier protection, prophylactic medication regimen or device, or compliance with a medical treatment regimen as prescribed by a health care provider. Failure to take practical measures to prevent transmission is insufficient on its own to establish that the person acted with purpose to transmit the disease.

When alleging a violation of the law against exposing another person to a communicable disease, the prosecuting attorney or grand jury must use a pseudonym to protect the victim of the crime.

This bill removes enhanced penalties for those performing the act of prostitution who are infected with HIV. This bill removes the offenses of endangering a corrections employee and of endangering a Department of Mental Health employee by exposing said employees to HIV, Hepatitis B, or Hepatitis C.

This bill is similar to HB 166, HCS HBs 167 & 166 (2019); HB 2675, and HB 2674 (2018).