

State of Arizona
House of Representatives
Fifty-fourth Legislature
First Regular Session
2019

CHAPTER 97
HOUSE BILL 2041

AN ACT

AMENDING SECTION 13-1210, ARIZONA REVISED STATUTES; RELATING TO HOSPITAL ASSAULTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-1210, Arizona Revised Statutes, is amended to
3 read:

4 13-1210. Assaults on hospital employees, public safety
5 employees or volunteers and state hospital
6 employees; disease testing; petition; hearing;
7 notice; definitions

8 A. A HOSPITAL EMPLOYEE, A public safety employee or volunteer or
9 the employing agency, officer or entity may petition the court for an
10 order authorizing testing of another person for the human immunodeficiency
11 virus, common blood borne diseases or other diseases specified in the
12 petition if there are reasonable grounds to believe an exposure occurred
13 and one of the following applies:

14 1. The person is charged in any criminal complaint and the
15 complaint alleges that the person interfered with the official duties of
16 the HOSPITAL EMPLOYEE OR THE public safety employee or volunteer by
17 biting, scratching, spitting or transferring blood or other bodily fluids
18 on or through the skin or membranes of the HOSPITAL EMPLOYEE OR THE public
19 safety employee or volunteer.

20 2. There is probable cause to believe that the person interfered
21 with the official duties of the HOSPITAL EMPLOYEE OR THE public safety
22 employee or volunteer by biting, scratching, spitting or transferring
23 blood or other bodily fluids on or through the skin or membranes of the
24 HOSPITAL EMPLOYEE OR public safety employee or volunteer and that the
25 person is deceased.

26 3. There is probable cause to believe that the person bit,
27 scratched, spat or transferred blood or other bodily fluid on or through
28 the skin or membranes of a HOSPITAL EMPLOYEE OR A public safety employee
29 or volunteer who was performing an official duty.

30 4. The person is arrested, charged or in custody and the HOSPITAL
31 EMPLOYEE OR THE public safety employee or volunteer alleges, by affidavit,
32 that the person interfered with the official duties of the HOSPITAL
33 EMPLOYEE OR THE public safety employee or volunteer by biting, scratching,
34 spitting or transferring blood or other bodily fluids on or through the
35 skin or membranes of the HOSPITAL EMPLOYEE OR THE public safety employee
36 or volunteer.

37 B. An employee of the Arizona state hospital or the employing
38 agency may petition the court for an order authorizing testing of another
39 person for the human immunodeficiency virus, common blood borne diseases
40 or other diseases specified in the petition if there are reasonable
41 grounds to believe an exposure occurred and the person is a patient who is
42 confined to the Arizona state hospital and who is alleged to have
43 interfered with the official duties of the Arizona state hospital employee
44 by biting, scratching, spitting or transferring blood or other bodily

1 fluids on or through the skin or membranes of the Arizona state hospital
2 employee.

3 C. The court shall hear the petition promptly. If the court finds
4 that probable cause exists to believe that a possible transfer of blood or
5 other bodily fluids occurred between the person and the HOSPITAL EMPLOYEE,
6 THE public safety employee or volunteer or the Arizona state hospital
7 employee, the court shall order that either:

8 1. The person provide two specimens of blood for testing.

9 2. If the person is deceased, the medical examiner draw two
10 specimens of blood for testing.

11 D. Notwithstanding subsection C, paragraph 2 of this section, on
12 written notice from the agency, officer or entity employing the HOSPITAL
13 EMPLOYEE OR THE public safety employee or volunteer, the medical examiner
14 is authorized to draw two specimens of blood for testing during the
15 autopsy or other examination of the deceased person's body. The medical
16 examiner shall release the specimen to the employing agency, officer or
17 entity for testing only after the court issues its order pursuant to
18 subsection C, paragraph 2 of this section. If the court does not issue an
19 order within thirty days after the medical examiner collects the specimen,
20 the medical examiner shall destroy the specimen.

21 E. Notice of the test results shall be provided as prescribed by
22 the department of health services to the person tested, to the HOSPITAL
23 EMPLOYEE, THE public safety employee or volunteer or the Arizona state
24 hospital employee named in the petition and to the employee's or
25 volunteer's employing agency, officer or entity and, if the person tested
26 is incarcerated or detained, to the officer in charge and the chief
27 medical officer of the facility in which the person is incarcerated or
28 detained.

29 F. Section 36-665 does not apply to this section.

30 G. For the purposes of this section:

31 1. "Arizona state hospital" includes the Arizona community
32 protection and treatment center.

33 2. "Arizona state hospital employee" means an employee of the
34 Arizona state hospital who has direct patient contact.

35 3. "HOSPITAL EMPLOYEE" MEANS A PRIVATE HOSPITAL EMPLOYEE OR
36 VOLUNTEER OR A PERSON WHO IS AUTHORIZED TO PERFORM OFFICIAL DUTIES AT A
37 PRIVATE HOSPITAL WHILE PERFORMING THOSE AUTHORIZED DUTIES.

38 4. "PRIVATE HOSPITAL" MEANS A HOSPITAL THAT IS NOT MAINTAINED AND
39 OPERATED BY THIS STATE OR ANY POLITICAL SUBDIVISION OF THIS STATE.

40 ~~3.~~ 5. "Private prison security officer" means a security officer
41 who is employed by a private contractor that contracts with a governmental
42 entity to provide detention or incarceration facility services for
43 offenders.

44 ~~4.~~ 6. "Public safety employee or volunteer" means a law
45 enforcement officer, any employee, contractor or volunteer of a state or

1 local law enforcement agency or correctional facility, a probation
2 officer, a surveillance officer, an adult or juvenile correctional service
3 officer, a detention officer, a private prison security officer, a
4 firefighter, an emergency medical technician or any other person who is
5 authorized to perform official duties or be present within a correctional
6 facility.

7 Sec. 2. Legislative intent; assault reporting

8 The legislature intends to encourage private hospitals to keep and
9 report information on the number of assaults that occur against private
10 hospital employees and volunteers each year and the circumstances of those
11 assaults. The data obtained must be provided to public policy researchers
12 with a mission of establishing a safer working environment for hospital
13 staff, volunteers and visitors. The legislature intends that this
14 information will assist in the study of ways to reduce violence against
15 health care workers and in making recommendations to the legislature on
16 how to reduce the number of assaults and to ensure that assaults on health
17 care workers do not go unreported to law enforcement agencies and
18 prosecutors.

APPROVED BY THE GOVERNOR APRIL 17, 2019.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 17, 2019.