

{As Amended by Senate Committee of the Whole}

As Amended by Senate Committee

Session of 2023

HOUSE BILL No. 2015

By Committee on Judiciary

1-11

1 AN ACT concerning public health; relating to infectious disease;
2 authorizing the designee of an employing agency or entity to petition
3 the court for an order requiring infectious disease testing; *{requiring*
4 *such petition to contain a physician's statement that the test results*
5 *sought are required for the exposed employee's medical treatment;}*
6 amending K.S.A. 65-6008 and repealing the existing section.
7

8 *Be it enacted by the Legislature of the State of Kansas:*
9 Section 1. K.S.A. 65-6008 is hereby amended to read as follows: 65-
10 6008. (a) If a corrections officer, emergency services employee, law
11 enforcement employee or juvenile correctional facility staff comes in
12 contact with or otherwise is exposed to transmission of body fluids from
13 one or more other persons while performing duties within the scope of
14 such employee's duties as an employee, the head of the employing agency
15 or entity, *or the agency or entity head's designee*, may make application to
16 a court of competent jurisdiction for an order requiring such other person
17 or persons to submit to infectious disease tests.

18 (b) *{(1)}* Such application shall include:
19 (A) An allegation that the person or persons sought to be tested have
20 been requested to submit voluntarily to infectious disease tests and have
21 refused the tests; *and*

22 (B) *the statement of a person licensed by the state board of healing*
23 *arts to practice medicine and surgery that the individual described in*
24 *subsection (a) is undergoing or may require medical treatment that is*
25 *dependent on the infectious disease test results sought in the*
26 *application}.*

27 {(2)} When any such application is received, the court shall *promptly*
28 hold a hearing ~~forthwith~~ and shall issue its order thereon immediately if
29 the court finds that:

30 ~~(1)~~*{(A)}* There is probable cause to believe that the employee
31 involved has come in contact with or otherwise has been exposed to
32 transmission of the body fluids of the person or persons sought to be
33 tested; and

34 ~~(2)~~*{(B)}* the person or persons sought to be tested have been

1 requested to submit to the tests and have refused, unless the court makes a
2 further finding that exigent circumstances exist which, in the court's
3 judgment, would excuse the applicant from making such a request.

4 (c) If an infectious disease test ordered pursuant to this section results
5 in a negative reaction, the court shall order the person tested to submit to
6 another infectious disease test six months from the date the first test was
7 administered.

8 (d) The results of any infectious disease test ordered pursuant to this
9 section shall be disclosed to the court—which that ordered the test, the
10 employee and the person tested. If an infectious disease test ordered
11 pursuant to this section results in a positive reaction, the results shall be
12 reported to the employee.

13 Sec. 2. K.S.A. 65-6008 is hereby repealed.

14 Sec. 3. This act shall take effect and be in force from and after its
15 publication in the statute book Kansas register.