

SESSION OF 2023

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2015

As Amended by Senate Committee of the Whole

Brief*

HB 2015, as amended, would modify the law governing court-ordered infectious disease testing.

Current law allows the head of an agency or head of an entity that employs certain persons to petition a court to apply for a court-ordered infectious disease test of another person when an employee is exposed to the transmission of bodily fluids of another person during the course of their work. Employees within the scope of this law include corrections officers, emergency services staff, juvenile correctional facility staff, and law enforcement.

The bill would allow a designee of the head of an agency or head of an entity to apply for such court-ordered testing.

The bill would also add a requirement that the application for such court-ordered testing include a statement of a person licensed by the Board of Healing Arts to practice medicine and surgery that the exposed employee is undergoing or may require medical treatment that is dependent on the infectious disease test results sought in the application. [*Note:* Continuing law requires the application to include an allegation that the person or persons sought to be tested have been requested to submit voluntarily to infectious disease tests and have refused such tests.]

The bill would also make technical changes to ensure consistency in statutory phrasing.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

The bill would be in effect upon publication in the *Kansas Register*.

Background

The bill was introduced by the House Committee on Judiciary by a representative of the Kansas Association of Chiefs of Police, Kansas Peace Officers Association, and Kansas Sheriffs Association.

House Committee on Judiciary

In the House Committee hearing on January 19, 2023, a representative of the Kansas Association of Chiefs of Police, Kansas Peace Officers Association, and Kansas Sheriffs Association (law enforcement organizations) testified as a **proponent** of the bill, stating the bill would update the law by providing more flexibility in allowing a designee of an agency head to request infectious disease testing. No other testimony was provided.

Senate Committee on Judiciary

In the Senate Committee hearing on February 9, 2023, the same representative of the law enforcement organizations described in the House Committee hearing testified as a **proponent** of the bill and gave testimony that was substantially similar to that provided to the House Committee. No other testimony was provided.

The Senate Committee amended the bill to make it effective upon publication in the *Kansas Register*.

Senate Committee of the Whole

The Senate Committee of the Whole amended the bill to add a requirement in the application for court-ordered testing

to include a licensed physician's statement that the testing is required for medical treatment of the exposed employee.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Office of Judicial Administration states enactment of the bill would have a negligible fiscal effect on the operations of the Judicial Branch.

Court order; infectious disease testing