START\_STATUTE13-1210.  Assaults on hospital employees, public safety employees or volunteers and state hospital employees; disease testing; petition; hearing; notice; definitions

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

1.  The person is charged in any criminal complaint and the complaint alleges that the person interfered with the official duties of the hospital employee or the public safety employee or volunteer by biting, scratching, spitting or transferring blood or other bodily fluids on or through the skin or membranes of the hospital employee or the public safety employee or volunteer.

2.  There is probable cause to believe that the person interfered with the official duties of the hospital employee or the public safety employee or volunteer by biting, scratching, spitting or transferring blood or other bodily fluids on or through the skin or membranes of the hospital employee or public safety employee or volunteer and that the person is deceased.

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

4.  The person is arrested, charged or in custody and the hospital employee or the public safety employee or volunteer alleges, by affidavit, that the person interfered with the official duties of the hospital employee or the public safety employee or volunteer by biting, scratching, spitting or transferring blood or other bodily fluids on or through the skin or membranes of the hospital employee or the public safety employee or volunteer.

5.  The public safety employee or volunteer, as part of the employee's or volunteer's official duties, was rendering aid to the person as a result of a medical emergency and was exposed to blood or other bodily fluids on or through the skin or membranes.

6.  The public safety employee or volunteer, as part of the employee's or volunteer's official duties, was rendering aid to the person as a result of a medical emergency and was exposed to blood or other bodily fluids on or through the skin or membranes, and the person is deceased.

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

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

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

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

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

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

F.  Section 36‑665 does not apply to this section.

G.  For the purposes of this section:

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

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

3.  "Hospital employee" means a private hospital employee or volunteer or a person who is authorized to perform official duties at a private hospital while performing those authorized duties.

4.  "Private hospital" means a hospital that is not maintained and operated by this state or any political subdivision of this state.

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

6.  "Public safety employee or volunteer" means a law enforcement officer, any employee, contractor or volunteer of a state or local law enforcement agency or correctional facility, a probation officer, a surveillance officer, an adult or juvenile correctional service officer, a detention officer, a private prison security officer, a firefighter, an emergency medical technician or any other person who is authorized to perform official duties or be present within a correctional facility.END\_STATUTE