



2003 SENATE BILL 230

August 20, 2003 – Introduced by Senators ROESSLER, LASSA and PLALE, cosponsored by Representatives OLSEN, GUNDERSON, HINES, JESKEWITZ, KESTELL, LOTHIAN, MUSSER, OTT, OWENS, SERATTI, STONE, VAN ROY and BIES. Referred to Committee on Health, Children, Families, Aging and Long Term Care.

1 **AN ACT** *to amend* 252.15 (1) (ab) and 252.15 (2) (a) 7. a.; and *to create* 252.15
2 (1) (er) of the statutes; **relating to:** authorizing an employee of a school district,
3 cooperative educational service agency, charter school, private school, the
4 Wisconsin Educational Services Program for the Deaf and Hard of Hearing, the
5 Wisconsin Center for the Blind and Visually Impaired, or a social worker to
6 subject an individual's blood to a test for the presence of the virus that causes
7 acquired immunodeficiency syndrome.

Analysis by the Legislative Reference Bureau

Under current law, specified persons who meet certain requirements and are significantly exposed (that is, who sustain a contact that carries a potential for transmission of human immunodeficiency virus, the virus that causes acquired immunodeficiency syndrome), are authorized to subject the blood of the individual to whom they were exposed to a test for the presence of human immunodeficiency virus (HIV) and to receive disclosure of the test results. These persons, include, under specified circumstances, emergency medical technicians; first responders; fire fighters; peace officers; correctional officers; persons employed at a secured correctional facility, secured child caring institution, or secured group home; state patrol officers; jailers or keepers of jails; health care providers; employees of health care providers; and staff members of state crime laboratories. The requirements

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those persons must meet include the use of universal precautions against significant exposure at the time of the significant exposure, certification in writing by a physician that the affected person was significantly exposed, and submittal to a test for the presence of HIV within a specified time period. If previously drawn blood from the individual to whom the person was exposed is unavailable, the person may request a court order requiring the individual to submit to a test; after a hearing, a court may order the testing to proceed.

This bill permits employees of a school district, cooperative educational service agency, charter school, private school, the Wisconsin Educational Services Program for the Deaf and Hard of Hearing, the Wisconsin Center for the Blind and Visually Impaired, or social workers who, while performing employment duties involving an individual, are significantly exposed to the individual, to subject the blood of the individual to whom they are exposed to a test for the presence of HIV.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 252.15 (1) (ab) of the statutes is amended to read:

2 252.15 (1) (ab) “Affected person” means an emergency medical technician; first
3 responder; fire fighter; peace officer; correctional officer; person who is employed
4 at a secured correctional facility, as defined in s. 938.02 (15m), a secured child caring
5 institution, as defined in s. 938.02 (15g), or a secured group home, as defined in s.
6 938.02 (15p); state patrol officer; jailer or keeper of a jail, or person designated with
7 custodial authority by the jailer or keeper; health care provider; employee of a
8 health care provider or; staff member of a state crime laboratory; social worker; or
9 employee of a school district, cooperative educational service agency, charter school,
10 private school, the Wisconsin Educational Services Program for the Deaf and Hard
11 of Hearing, or the Wisconsin Center for the Blind and Visually Impaired.

12 **SECTION 2.** 252.15 (1) (er) of the statutes is created to read:

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1 252.15 (1) (er) "Social worker" means an individual who is certified or licensed
2 as a social worker, advanced practice social worker, independent social worker, or
3 clinical social worker under ch. 457.

4 **SECTION 3.** 252.15 (2) (a) 7. a. of the statutes is amended to read:

5 252.15 (2) (a) 7. a. If all of the conditions under subd. 7. ai. to c. are met, an
6 emergency medical technician; first responder; fire fighter; peace officer;
7 correctional officer; person who is employed at a secured correctional facility, as
8 defined in s. 938.02 (15m), a secured child caring institution, as defined in s. 938.02
9 (15g), or a secured group home, as defined in s. 938.02 (15p); state patrol officer;
10 jailer ~~or~~, keeper of a jail, or person designated with custodial authority by the jailer
11 or keeper ~~who~~, during the course of providing care or services to an individual; ~~or~~ a
12 peace officer, correctional officer, state patrol officer, jailer or keeper of a jail, or
13 person designated with custodial authority by the jailer or keeper ~~who~~, while
14 searching or arresting an individual or while controlling or transferring an
15 individual in custody; ~~or~~ a health care provider or an employee of a health care
16 provider ~~who~~, during the course of providing care or treatment to an individual or
17 handling or processing specimens of body fluids or tissues of an individual; ~~or~~ a staff
18 member of a state crime laboratory ~~who~~, during the course of handling or processing
19 specimens of body fluids or tissues of an individual; social worker; or an employee of
20 a school district, cooperative educational service agency, charter school, private
21 school, the Wisconsin Educational Services Program for the Deaf and Hard of
22 Hearing, or the Wisconsin Center for the Blind and Visually Impaired, while
23 performing employment duties involving an individual; who is significantly exposed
24 to the individual may subject the individual's blood to a test or a series of tests for

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SECTION 3

1 the presence of HIV, antigen or nonantigenic products of HIV or an antibody to HIV
2 and may receive disclosure of the results.

3 (END)