

**2001 DRAFTING REQUEST**

**Bill**

Received: 01/18/2001

Received By: kenneda

Wanted: As time permits

Identical to LRB:

For: Carol Roessler (608) 266-5300

By/Representing: Sara Jermstad (aide)

This file may be shown to any legislator: NO

Drafter: kenneda

May Contact:

Addl. Drafters:

Subject: Health - AIDS

Extra Copies: ISR, PG, MJL

Submit via email: NO

Requester's email:

**Pre Topic:**

No specific pre topic given

**Topic:**

Permit employees of school districts to require HIV testing of students' blood

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	kenneda 03/07/2001	jdyer 03/08/2001		_____			S&L
/P1			pgreensl 03/08/2001	_____	lrb_docadmin 03/08/2001		S&L
/1	kenneda	jdyer	pgreensl	_____	lrb_docadmin		S&L

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	03/08/2001	03/09/2001	03/12/2001	_____	03/12/2001		
/2	kenneda 04/12/2001			_____ _____			
/3				_____ _____		lrb_docadmin 05/04/2001	
/4							
/5	kenneda 05/24/2001			_____ _____			
/6		jdyer 05/25/2001		_____ _____			
/7			pgreensl 05/25/2001	_____ _____			
/8				_____ _____	lrb_docadmin 05/25/2001		
/9							
/10				_____ _____		lrb_docadmin 05/25/2001	
/11							

FE Sent For:

LA intro

<END>

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**Pre Topic:**

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**Topic:**

Permit employees of school districts to require HIV testing of students' blood

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**Instructions:**

See Attached

*Please send to Sara Jermstad via e-mail*

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/P1			pgreensl 03/08/2001	<u>Jos</u>	lrb_docadmin 03/08/2001		S&L
/1	kenneda	jdyer 1/2 5/25 JLA	pgreensl 5/25 PB	<u>P81ch</u>	lrb_docadmin		



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/1	kenneda 03/08/2001	jdye 03/09/2001	pgreensl 03/12/2001	_____	lrb_docadmin 03/12/2001		

FE Sent For:

<END>

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May Contact:

Alt. Drafters:

Subject: **Health - AIDS**

Extra Copies: **ISR, PG, MJL**

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**Pre Topic:**

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**Topic:**

Permit employees of school districts to require HIV testing of students' blood

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**Instructions:**

See Attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	kenneda 03/07/2001	jdyer 03/08/2001					S&L
/P1		1 3/4 jld	pgreensl 03/08/2001	3/12 Pg 1/10	lrb_docadmin 03/08/2001		

FE Sent For:

3/12  
Pg  
<END>

**2001 DRAFTING REQUEST**

**Bill**

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/?	kenneda	1/1 3/8 jld	3/8 pg	_____	_____		S&L

FE Sent For:

<END>

SJ



"A commitment to  
quality education"

# Oshkosh Area School District

215 South Eagle Street - P. O. Box 3048 - Oshkosh WI 54903

Ronald A. Heilmann, Jr., Ed.D.  
Superintendent of Schools  
920-424-0160  
FAX: 920-424-0466

John W. Sprangers  
Director of Human Resources  
920-424-0124  
FAX: 920-303-4396

January 5, 2001

JAN 05 2001

Senator Carol Roessler  
18<sup>th</sup> Senatorial District  
P. O. Box 7882  
Madison, WI 53707-7882

Dear Senator Roessler:

In the Oshkosh Area School District, we have experienced several incidents involving staff members who have been exposed to students' blood while on the job.

When this occurs, we have found, much to our dismay, that state statutes provide no recourse for school district employees to subject the blood to a test to determine the presence of acquired immune deficiency syndrome (HIV). The statutes provide a right to require testing on behalf of many other specified staff. However, there is no similar opportunity for school district employees, who often encounter blood in the course of their employment. We strongly believe that this statutory gap in protection must be addressed.

We are referring specifically to Sections 252.15(1)(ab) and 252.15(2)(a)(7)a of the Wisconsin Statutes. We request that words to the effect that "all individuals employed by school districts" be added to the list of those positions eligible to require testing. This change allows school district employees to discover whether the blood in question reveals the presence of HIV. The peace of mind such information will provide school district employees is immeasurable.

If you have any questions, please feel free to contact me.

Sincerely,

*John Sprangers*  
JOHN SPRANGERS  
Director of Human Resources

CESAs  
charter schools  
private schools  
School for blind  
deaf

JS:dh

cc: Oshkosh Education Association  
Dr. Ronald Heilmann, Superintendent



DAK?  
2

# Bill Request Form

**Legislative Reference Bureau**  
100 N. Hamilton Street  
Legal Section 266-3561

*Use of this form is optional. It is often better to talk directly with the LRB attorney who will draft the bill.  
Use this form only for bill draft requests. Attach more pages if necessary.*

Date 1/17/01

Legislator, agency, or other person requesting this draft Senator Carol Roessler

Person submitting request (name and phone number) Sara Jermstad 6-5300

Persons to contact for questions about this draft (names and phone numbers) Sara Jermstad;

Ronald Heilmann, Jr, Superintendent of Oshkosh School District  
920-424-0160

Describe the problem, including any helpful examples. How do you want to solve the problem?

See attached letter

re: ss. 252.15(1)(ab) and 252.15(2)(a)(7)(a)

Please attach a copy of any correspondence or other material that may help us. If you know of any statute sections that might be affected, list them or provide a marked-up copy.

You may attach a marked-up copy of any LRB draft or provide its number (e.g., 1999 LRB-2345/1 or 1997 AB-67).

Requests are confidential unless stated otherwise. May we tell others that we are working on this for you? YES  NO

If yes:                      Anyone who asks?    YES    NO  
   Any legislator?        YES    NO

Only the following persons \_\_\_\_\_

Do you consider this request urgent?    YES  NO                      If yes, please indicate why \_\_\_\_\_

Should we give this request priority over any pending request of this legislator, agency, or person?

YES  NO



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-2130/2  
DAK.....  
A  
jld

D-NOTE

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

acquired immunodeficiency syndrome

gen

1 AN ACT ...; relating to: authorizing an employee of a school district to subject an  
2 individual's blood to a test for the presence of the virus that causes ~~AIDS~~.

*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 ~~with~~<sup>with that</sup> carries a potential for transmission of human immunodeficiency virus, the virus that causes ~~AIDS~~), 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 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, who are significantly exposed to HIV and who meet specified requirements, 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,<sup>1/2</sup>  
3 first responder,<sup>1/2</sup> fire fighter,<sup>1/2</sup> peace officer,<sup>1/2</sup> correctional officer,<sup>1/2</sup> person who is  
4 employed at a secured correctional facility, as defined in s. 938.02 (15m), a secured  
5 child caring institution, as defined in s. 938.02 (15g), or a secured group home, as  
6 defined in s. 938.02 (15p),<sup>1/2</sup> state patrol officer,<sup>1/2</sup> jailer ~~or~~<sup>1/2</sup> keeper of a jail, or person  
7 designated with custodial authority by the jailer or keeper,<sup>1/2</sup> health care provider,<sup>1/2</sup>  
8 employee of a health care provider ~~or~~<sup>1/2</sup> staff member of a state crime laboratory; or  
9 employee of a school district.

History: 1985 a. 29, 73, 120; 1987 a. 70 ss. 13 to 27, 36; 1987 a. 403 ss. 136, 256; 1989 a. 200; 1989 a. 201 ss. 11 to 25, 36; 1989 a. 298, 359; 1991 a. 269; 1993 a. 16 s. 2567; 1993 a. 27 ss. 332, 334, 337, 340, 342; Stats. 1993 s. 252.15; 1993 a. 32, 183, 190, 252, 395, 491; 1995 a. 27 ss. 6323, 9116 (5), 9126 (19); 1995 a. 77, 275; 1997 a. 54, 80, 156, 188; 1999 a. 9, 32, 79, 151, 162, 188; s. 13.93 (2) (c).

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

11 252.15 (2) (a) 7. a. If all of the conditions under subd. 7. ai. to c. are met, an  
12 emergency medical technician,<sup>1/2</sup> first responder,<sup>1/2</sup> fire fighter,<sup>1/2</sup> peace officer,<sup>1/2</sup>  
13 correctional officer,<sup>1/2</sup> person who is employed at a secured correctional facility, as  
14 defined in s. 938.02 (15m), a secured child caring institution, as defined in s. 938.02  
15 (15g), or a secured group home, as defined in s. 938.02 (15p),<sup>1/2</sup> state patrol officer,<sup>1/2</sup>  
16 jailer ~~or~~<sup>1/2</sup> keeper of a jail, or person designated with custodial authority by the jailer  
17 or keeper who, during the course of providing care or services to an individual; ~~or~~  
18 peace officer, correctional officer, state patrol officer, jailer or keeper of a jail, or person  
19 designated with custodial authority by the jailer or keeper who, while searching or  
20 arresting an individual or while controlling or transferring an individual in custody;

1 or a health care provider or an employee of a health care provider who, during the  
 2 course of providing care or treatment to an individual or handling or processing  
 3 specimens of body fluids or tissues of an individual; or a staff member of a state crime  
 4 laboratory who, during the course of handling or processing specimens of body fluids  
 5 or tissues of an individual; or an employee of a school district; who is significantly  
 6 exposed to the individual may subject the individual's blood to a test or a series of  
 7 tests for the presence of HIV, antigen or nonantigenic products of HIV or an antibody  
 8 to HIV and may receive disclosure of the results.

History: 1985 a. 29, 73, 120; 1987 a. 70 ss. 13 to 27, 36; 1987 a. 403 ss. 136, 256; 1989 a. 200; 1989 a. 201 ss. 11 to 25, 36; 1989 a. 298, 359; 1991 a. 269; 1993 a. 16 s. 2567; 1993 a. 27 ss. 332, 334, 337, 340, 342; Stats. 1993 s. 252.15; 1993 a. 32, 183, 190, 252, 395, 491; 1995 a. 27 ss. 6323, 9116 (5), 9126 (19); 1995 a. 77, 275; 1997 a. 54, 80, 156, 188; 1999 a. 9, 32, 79, 151, 162, 188; s. 13.93 (2) (c).

9

(END)

D-NOTE

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

PI  
LRB-2130/7dn

DAK...:.....  
JLD

To Senator Roessler:

Besides employes<sup>e</sup> of school districts, would you want to include in the draft employees of cooperative educational service agencies (CESAs), charter schools, private schools, the Wisconsin School for the Deaf, or the Wisconsin Center for the Blind and Visually Impaired?

Debora A. Kennedy  
Managing Attorney  
Phone: (608) 266-0137  
E-mail: debora.kennedy@legis.state.wi.us

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-2130/P1dn  
DAK:jld:pg

March 8, 2001

To Senator Roessler:

Besides employees of school districts, would you want to include in the draft employees of cooperative educational service agencies (CESAs), charter schools, private schools, the Wisconsin School for the Deaf, or the Wisconsin Center for the Blind and Visually Impaired?

Debora A. Kennedy  
Managing Attorney  
Phone: (608) 266-0137  
E-mail: [debora.kennedy@legis.state.wi.us](mailto:debora.kennedy@legis.state.wi.us)

3/2/01

From Sara Gemstad:

Re drafter's notes: add CESTs, etc. to  
draft.



SOON - In edit 3/8

State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-2130/1  
DAK:jld:1

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

cooperative educational service agency, charter school, private school, the Wisconsin School for the Deaf, or the Wisconsin Center for the Blind and Visually Impaired

Reger

1 AN ACT to amend 252.15 (1) (ab) and 252.15 (2) (a) 7. a. of the statutes; relating  
2 to: authorizing an employee of a school district to subject an individual's blood  
3 to a test for the presence of the virus that causes acquired immunodeficiency  
4 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 of keepers or jails; health care providers; employees of health care providers; and staff members of state crime laboratories. The requirements 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.



cooperative educational service agency, charter school, private school, the Wisconsin School for the Deaf, or the Wisconsin Center for the Blind and Visually Impaired

This bill permits employees of a school district, who are significantly exposed to HIV and who meet specified requirements, 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 <sup>score</sup> 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; or employee of a  
9 school district.

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

11 252.15 (2) (a) 7. a. If all of the conditions under subd. 7. ai. to c. are met, an  
12 emergency medical technician; first responder; fire fighter; peace officer;  
13 correctional officer; person who is employed at a secured correctional facility, as  
14 defined in s. 938.02 (15m), a secured child caring institution, as defined in s. 938.02  
15 (15g), or a secured group home, as defined in s. 938.02 (15p); state patrol officer;  
16 jailer or keeper of a jail, or person designated with custodial authority by the jailer  
17 or keeper who, during the course of providing care or services to an individual; or a  
18 peace officer, correctional officer, state patrol officer, jailer or keeper of a jail, or  
19 person designated with custodial authority by the jailer or keeper who, while

cooperative educational service agency, charter school, private school, the Wisconsin School for the Deaf, or the Wisconsin Center for the Blind and Visually Impaired

1 searching or arresting an individual or while controlling or transferring an  
2 individual in custody; ~~or~~ a health care provider or an employee of a health care  
3 provider ~~who~~, during the course of providing care or treatment to an individual or  
4 handling or processing specimens of body fluids or tissues of an individual; ~~or~~ a staff  
5 member of a state crime laboratory ~~who~~, during the course of handling or processing  
6 specimens of body fluids or tissues of an individual; or an employee of a school  
7 district; who is significantly exposed to the individual may subject the individual's  
8 blood to a test or a series of tests for the presence of HIV, antigen or nonantigenic  
9 products of HIV or an antibody to HIV and may receive disclosure of the results.

10 (END)

, cooperative educational service agency,  
charter school, private school, the Wisconsin  
School for the Deaf, or the Wisconsin Center  
for the Blind and Visually Impaired



# State of Wisconsin

## LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET  
5TH FLOOR  
MADISON, WI 53701-2037

STEPHEN R. MILLER  
CHIEF

LEGAL SECTION: (608) 266-3561  
LEGAL FAX: (608) 264-6948

March 12, 2001

### MEMORANDUM

To: Senator Roessler

From: Debora A. Kennedy, Managing Attorney

Re: LRB-2130 Permit employees of school districts to require HIV testing of students' blood

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

\_\_\_\_ JACKET FOR ASSEMBLY  JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-0137 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.

0 3 3 4

## Barman, Mike

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**From:** Barman, Mike  
**Sent:** Wednesday, May 23, 2001 11:26 AM  
**To:** Sen.Roessler  
**Subject:** LRB-2130/1 (attached - requested by Sara)

### ***Mike Barman***

Mike Barman - Senior Program Asst. (PH. 608-266-3561)  
(E-Mail: [mike.barman@legis.state.wi.us](mailto:mike.barman@legis.state.wi.us)) (FAX: 608-264-6948)

State of Wisconsin  
Legislative Reference Bureau - Legal Section - Front Office  
100 N. Hamilton Street - 5th Floor  
Madison, WI 53703

05/23/2001



## 2001 BILL

Reger

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

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### *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 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

**BILL**

*while performing employment duties involving an individual*

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 School for the Deaf, or the Wisconsin Center for the Blind and Visually Impaired who are significantly exposed to ~~HIV and who meet specified requirements~~, 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 individual* ✓

***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; or employee of a  
9 school district, cooperative educational service agency, charter school, private school,  
10 the Wisconsin School for the Deaf, or the Wisconsin Center for the Blind and Visually  
11 Impaired.

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

13           252.15 (2) (a) 7. a. If all of the conditions under subd. 7. ai. to c. are met, an  
14 emergency medical technician; first responder; fire fighter; peace officer;  
15 correctional officer; person who is employed at a secured correctional facility, as

**BILL**

1 defined in s. 938.02 (15m), a secured child caring institution, as defined in s. 938.02  
 2 (15g), or a secured group home, as defined in s. 938.02 (15p); state patrol officer;  
 3 jailer or keeper of a jail, or person designated with custodial authority by the jailer  
 4 or keeper who, during the course of providing care or services to an individual; or a  
 5 peace officer, correctional officer, state patrol officer, jailer or keeper of a jail, or  
 6 person designated with custodial authority by the jailer or keeper who, while  
 7 searching or arresting an individual or while controlling or transferring an  
 8 individual in custody; or a health care provider or an employee of a health care  
 9 provider who, during the course of providing care or treatment to an individual or  
 10 handling or processing specimens of body fluids or tissues of an individual; or a staff  
 11 member of a state crime laboratory who, during the course of handling or processing  
 12 specimens of body fluids or tissues of an individual; or an employee of a school  
 13 district, cooperative educational service agency, charter school, private school, the  
 14 Wisconsin School for the Deaf, or the Wisconsin Center for the Blind and Visually  
 15 Impaired; who is significantly exposed to the individual may subject the individual's  
 16 blood to a test or a series of tests for the presence of HIV, antigen or nonantigenic  
 17 products of HIV or an antibody to HIV and may receive disclosure of the results.

(END)

*while performing employment duties  
involving an individual*

17  
18

**Emery, Lynn**

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**From:** Emery, Lynn  
**Sent:** Friday, May 25, 2001 11:14 AM  
**To:** Jermstad, Sara  
**Subject:** LRB-2130(attach)



01-2130/2