

SENATE BILL 230 (LRB -2174)

An Act to amend 252.15 (1) (ab) and 252.15 (2) (a) 7. a.; and to create 252.15 (1) (er) of the statutes; relating to: authorizing an employee 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 a social worker to subject an individual's blood to a test for the presence of the virus that causes acquired immunodeficiency syndrome. (FE)

2003

09-04.	S.	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.	
08-20.	S.	Read first time and referred to committee on Health, Children, Families, Aging and Long Term Care	341
09-04.	S.	Public hearing held.	
09-04.	S.	Executive action taken.	
09-10.	S.	Fiscal estimate received.	
09-15.	S.	Report passage recommended by committee on Health, Children, Families, Aging and Long Term Care, Ayes 8, Noes 1	365
09-15.	S.	Available for scheduling.	
09-30.	S.	Placed on calendar 10-1-2003 by committee on Senate Organization.	
10-01.	S.	Read a second time	396
10-01.	S.	Ordered to a third reading	396
10-01.	S.	Rules suspended	396
10-01.	S.	Read a third time and passed , Ayes 30, Noes 3	396
10-01.	S.	Ordered immediately messaged	398
11-20.	A.	Received from Senate	551
11-20.	A.	Read first time and referred to committee on Health	552

2004

02-16.	A.	Assembly amendment 1 offered by Representative Shilling (LRB a2198)	701
02-17.	A.	Public hearing held.	
02-26.	A.	Executive action taken.	
03-04.	A.	Report concurrence recommended by committee on Health, Ayes 16, Noes 0	785
03-04.	A.	Referred to committee on Rules	785
03-05.	A.	Placed on calendar 3-9-2004 by committee on Rules.	
03-09.	A.	Made a special order of business at 12:23 P.M. on 3-10-2004 pursuant to Assembly Resolution 38	818
03-10.	A.	Read a second time	856
03-10.	A.	Ordered to a third reading	856
03-10.	A.	Rules suspended	856
03-10.	A.	Read a third time and concurred in	856
03-10.	A.	Ordered immediately messaged	856
03-10.	S.	Received from Assembly concurred in.	

**2003
ENROLLED BILL**

03en SB-230

ADOPTED DOCUMENTS:

Orig Engr SubAmdt

03 2174/12

Amendments to above (if none, write "NONE"): none

Corrections - show date (if none, write "NONE"): none

Topic relates to just - employees
of a school or a social worker

3/11/04
Date

[Signature]
Enrolling Drafter

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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 ^{certain} ~~an~~ ^s 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 ^{a persons} ~~an individual's~~ blood to ^{an HIV} ~~a test for the presence of the virus that causes~~
 7 ~~acquired immunodeficiency syndrome.~~

and certain state agencies

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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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)