

By Mr. Tarr of Gloucester, petition of Bruce E. Tarr and Thomas G. Palumbo for legislation to regulate the control of certain contagious diseases. Health Care.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Four.

AN ACT RELATIVE TO THE SPREAD OF CONTAGIOUS DISEASE.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 111 of the General Laws, as appearing in the 1988
2 Official Edition, is hereby amended by adding after section 70F
3 the following section: —

4 Section 70G. (1) For the purposes of this section the following
5 terms shall mean:

6 (a) "Bodily fluid" — semen (irrespective of the presence of
7 spermatozoa), blood, blood component, saliva, vaginal secretion
8 and urine, or any other fluid emanating from the body.

9 (b) "Transfer" — engaging in sexual activity, or permitting the
10 use of a hypodermic syringe, needle, or similar device, or giving,
11 whether or not for value, blood, semen, body tissue, or organs
12 to a person, blood bank, hospital, or other medical care facility
13 for purposes of transfer to another person.

14 (2) Any person who exposes another in any manner with the
15 intent to infect or, knowing that he or she is or has been afflicted
16 with acquired immunodeficiency syndrome (AIDS), AIDS
17 related complexes (ARC), or other manifestations of human
18 immunodeficiency virus (HIV) infection, transfers or attempts to
19 transfer any of his or her bodily fluids, body tissue or organs to
20 another person is guilty of a felony and shall be punished by
21 imprisonment in the state prison for a period of no less than five
22 years and no more than fifteen years, by a fine of no less than
23 five thousand dollars and no more than fifteen thousand dollars.

24 (3) The provisions of this section shall not apply:

- 25 (a) if the sexual activity took place by consenting adults after
26 full disclosure by the accused of the accused's infection with
27 AIDS, ARC or HIV and the risk of such activity.
- 28 (b) if the transfer of bodily fluid, body tissue, or organs
29 occurred after advice from a licensed physician that the accused
30 was noninfectious.
- 31 (c) to a person who transfers flood, a blood component, semen,
32 or another body fluid that contains AIDS, ARC or HIV for
33 research purposes.