

HOUSE No. 54

Accompanying the twenty-fourth recommendation of the Executive Office of Public Safety and Security (House, No. 30). Public Health.

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine.

AN ACT RELATIVE TO TESTING FOR PUBLIC SAFETY PERSONNEL.

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 38 as appearing in the 2004 official edition is hereby amended by inserting, after
2 section 15, the following:-

3 Section 16. Any person, including without limitation, a police officer, fire fighter, emergency
4 medical technician, corrections officer, ambulance operator or attendant who, while acting in his
5 professional capacity, attends, assists, or transports a deceased person over whom the chief
6 medical examiner or his designee has accepted jurisdiction, and who sustains an unprotected
7 exposure capable of transmitting an infectious disease dangerous to the public health, shall
8 immediately inform the chief medical examiner or his designee of said exposure.

9 The chief medical examiner or his designee, after receiving the body of the deceased person
10 and a report of an unprotected exposure capable of transmitting an infectious disease dangerous to
11 the public health, may cause the body of the deceased to be tested for possible infectious diseases
12 dangerous to the public health. The chief medical examiner or his designee shall inform any
13 person reporting an unprotected exposure capable of transmitting an infectious disease dangerous
14 to the public health of the results of such testing.

15 Notwithstanding the provisions of any general or special law to the contrary, neither the
16 office of the chief medical examiner, nor any employee of the office including the chief medical
17 examiner, shall be subject to civil or criminal liability for testing or reporting pursuant to the
18 requirements of this section, if such testing or reporting was performed in good faith.

19 "Infectious disease dangerous to the public health" shall be defined by department of public
20 health regulations promulgated pursuant to section 111C of chapter 111.

21 “Unprotected exposure capable of transmitting an infectious disease dangerous to the public
22 health” shall be defined by department of public health regulations promulgated pursuant to
23 section 111C of chapter 111 and shall include, but not be limited to, instances of attempted direct
24 mouth-to-mouth resuscitation, or the co-mingling of the blood of the deceased person and the
25 person exposed.