

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1221

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Diana Ball...
Operator's Signature

10/2/03
Date

2003 HOUSE HUMAN SERVICES

HB 1221

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Dennis G. Hall
Operator's Signature

10/2/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1221

House Human Services Committee

Conference Committee

Hearing Date January 22, 2003

Tape Number	Side A	Side B	Meter #
2	x		0.1 - 23.0
Committee Clerk Signature <i>Sharon Legrow</i>			

Rep. Grande appeared as prime-sponsor stating this bill will be rewritten and the purpose behind the bill is that when the police officers are making any type of arrest and are either bitten, spat on or urinated on, in the process of that we have not given them the opportunity to know if they have been exposed to a contagious disease. Only after the arrest, are they given that opportunity.

Chris Magnus, Fargo Police Chief appeared in support stating this creates a process to train people as to exposure and getting tested, treated and getting the other person to test, etc. Creates process of getting a hearing held within 24 hours and if probable cause, must be tested. There is a need for this.

Concerns of the committee stating testing is limited to HIV and Hepatitis viruses and wondered about terrorism activity where there is a live virus of some sort and lack of consent procedure.

Bob Benson, Bismarck PD representing the ND Fraternal Order of Police, appeared in support stating they support immediate testing.

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Deanna Ballantyne
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1/22/03
Date

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House Human Services Committee
Bill/Resolution Number HB 1221
Hearing Date January 22, 2003

Mike Mullen, Assistant Attorney General appeared neutral on the on neutral stating there are a number of technical issues where the bill can be clarified and change the wording to make sure its broader.

Questions of the committee regarding adding consent forms in HIV to extend over to contagious diseases and concerns with confidentiality and the fact that 2 tests are required for HIV 6 months apart and then nothing may show up until the 2nd test.

Dr. Larry Schierly, State Edemiologist, appeared neutral with some support in rewriting the bill.

Closed the hearing.

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Deanna Ballentine
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10/2/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1221

House Human Services Committee

Conference Committee

Hearing Date January 27, 2003

Tape Number	Side A	Side B	Meter #
2		x	30.2 - 61.5
3	x		0.1 - 18.7
Committee Clerk Signature <i>Sharon Renfrow</i>			

Minutes: Committee Work

Edward Erickson of the Attorney General's Office appeared neutral and to explain the bill and its changes.

Rep. Price had concerns that someone would be out on bail before processing could even start.

Rep. Porter asked about accidental exposure and what happens if a person fails to give consent.

Mr. Erickson stated that a Judge is on warrant issue all the time, all hours of the day or night.

Concerns of the committee regarding when a subject does not consent to testing and then have to deal with in court or to petition the court. Also concerned with religion reasons as being a refusal to be tested.

Mr. Erickson stated that this is a hog house amendment and basically is getting the testing done quickly, we must follow due process and protect the defendants rights also.

Rep. Porter is bothered with due process and the hoops we need to go through or fall through when we have a person who has been exposed through his line of duty and may have to wait and

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Dorena Holcomb
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1/27/03
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House Human Services Committee
Bill/Resolution Number HB 1221
Hearing Date January 27, 2003

go home not knowing what diseases he may or may not be carrying and potentially expose their families, children, spouse, friends, relatives, whomever to something that at the time of the exposure if the physician felt that there was insignificant exposure, and that person does not consent to the drawing of their blood to test for that exposure, then I feel it should be in the bill that the physician makes that determination and can just draw the blood and have it tested. Also its a Class C felony if the individual reveals any medical information about that person, saying he's tested positive for HIV or Hepatitis positive and they say anything about it, its a Class C felony, they can't just go around blabbing it.

Rep. Devlin wondered about removing the due process section.

Response by Mr. Erickson is that it would make the law more difficult to enforce if we had a law that did not provide for the minimum due process required by the Court. The whole thing would be thrown out.

Adjourned for the day.

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Deanna G. [Signature]
Operator's Signature

1/2/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1221

House Human Services Committee

Conference Committee

Hearing Date January 28, 2003

Tape Number	Side A	Side B	Meter #
3	x		4.9 - 7.4

Committee Clerk Signature

Annam Kenyon

Minutes: Committee Work

Received new amendment from Mr. Erickson of the Attorney General's Office.

Rep. Price noted the changes are on page 3.

Rep. Porter made a motion to move the amendments, second by Rep. Kreidt.

VOTE: 13 - 0 - 0 Amendment Passed

Rep. Pollert made a motion for DO PASS as Amended, second by Rep. Potter.

VOTE: 12 - 0 - 1 Rep. Ugem will carry the bill.

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Dorinda Hollenbach
Operator's Signature

1/28/03
Date

FISCAL NOTE
 Requested by Legislative Council
 01/13/2003

Bill/Resolution No.: HB 1221

1A. State fiscal effect: Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures						
Appropriations						

1B. County, city, and school district fiscal effect: Identify the fiscal effect on the appropriate political subdivision.

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2. Narrative: Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.

HB 1221 allows emergency medical services providers and other public employees who may have been exposed to a blood-borne disease while working with an arrestee or criminal, to have that person tested. The Health Department Laboratory will provide this testing for documented exposures at no cost utilizing existing staff and supplies.

3. State fiscal effect detail: For information shown under state fiscal effect in 1A, please:

A. Revenues: Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.

B. Expenditures: Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.

C. Appropriations: Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.

Name:	Kathy J. Albin	Agency:	Health
Phone Number:	328.4542	Date Prepared:	01/14/2003

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Diana M. Ball
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1/14/03
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