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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. **3774**

02/26/2020

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The bill was read for the first time and referred to the Committee on Health and Human Services Policy

1.1 A bill for an act
1.2 relating to health safety; authorizing a person exposed to blood-borne pathogens
1.3 to obtain a court order requiring the source individual to submit to a blood test;
1.4 proposing coding for new law in Minnesota Statutes, chapter 144.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. **[144.7416] PETITION FOR COURT-ORDERED BLOOD-BORNE**
1.7 **PATHOGEN TEST.**

1.8 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have
1.9 the meanings given.

1.10 (b) "Blood-borne pathogens" has the meaning given in section 144.7401, subdivision
1.11 2.

1.12 (c) "Significant exposure" has the meaning given in section 144.7401, subdivision 6.

1.13 (d) "Source individual" means an individual whose blood, tissue, or potentially infectious
1.14 bodily fluid may be a source of blood-borne pathogen exposure to a person who brings a
1.15 petition under this section.

1.16 Subd. 2. **Petition for court-ordered blood test.** A person exposed to a blood-borne
1.17 pathogen may petition a court for an order requiring a source individual to provide a blood
1.18 sample for blood-borne pathogen testing. The petitioner must file the petition with the
1.19 district court in the county where the source individual resides. The petitioner must serve
1.20 the petition on the source individual at least three days before a hearing on the petition.

1.21 Subd. 3. **Hearing.** The court shall conduct the proceeding in camera unless the petitioner
1.22 or source individual requests a hearing in open court and the court determines that a public

2.1 hearing is necessary to the public interest and the proper administration of justice. The court
2.2 may conduct an ex parte hearing if the source individual does not attend the hearing and
2.3 the petitioner complies with service requirements under subdivision 2.

2.4 Subd. 4. **Findings.** The court may order the source individual to provide a blood sample
2.5 for blood-borne pathogen testing if the court finds by a preponderance of evidence:

2.6 (1) the petitioner has experienced significant exposure to the source individual;

2.7 (2) a licensed physician for the petitioner needs the test results to determine whether to
2.8 begin, continue, or modify medical treatment for the petitioner; and

2.9 (3) a compelling need for court-ordered blood collection and testing outweighs the
2.10 interests of the source individual, including the source individual's privacy, health, safety,
2.11 or economic interests.

2.12 Subd. 5. **Safeguards.** The court may impose appropriate safeguards against unauthorized
2.13 disclosure that must specify the persons who have access to the test results in subdivision
2.14 4 and the purposes for which the test results may be used.

2.15 Subd. 6. **Source individual; failure to comply.** A court may order a source individual
2.16 taken into custody by a peace officer for purposes of obtaining a blood sample if the source
2.17 individual does not comply with an order issued under this section. The source individual
2.18 must not be held longer than is necessary to secure a blood sample.