

ASSEMBLY, No. 1779

STATE OF NEW JERSEY 218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

Sponsored by:

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SYNOPSIS

Requires testing for infectious disease for certain persons who have been administered opioid antidote by first responder.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning medical testing of certain persons who have
2 been administered an opioid antidote and supplementing
3 P.L.2013, c.46 (C.24:6J-1 et al.).
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. The Legislature finds and declares that:

9 a. Individuals who intravenously use street drugs such as
10 heroin are significantly more likely than the general population to
11 have certain diseases that spread through bodily fluids, including
12 but not limited to human immunodeficiency virus (HIV), hepatitis,
13 and other bloodborne pathogens, and are therefore more likely to
14 pass infection to other individuals in the event that their bodily
15 fluids contact another person.

16 b. A first responder who is called to assist an individual who is
17 experiencing an overdose of a controlled dangerous substance may
18 administer an opioid antidote, thereby potentially saving the
19 person's life. However, in the course of such an interaction, the
20 first responder may potentially be exposed to the person's bodily
21 fluids, such as by direct contact with bodily fluids or an accidental
22 prick by a hypodermic needle, thereby risking transmittal of an
23 infectious disease.

24 c. When a first responder comes into contact with another
25 person's bodily fluid, information as to whether the person is a
26 carrier of an infectious disease may be useful in assessing the risk
27 that the first responder may have been infected. Information
28 concerning the risk of infection may affect medical treatment
29 decisions, and the exposed person may benefit psychologically from
30 knowing whether exposure to the other person's bodily fluids may
31 have resulted in exposure to infectious disease.

32 d. Although each person has a legitimate privacy interest in
33 keeping the person's disease status private, this interest may be
34 outweighed by the interests of a first responder who may have been
35 exposed to an infectious disease in the course of rendering
36 potentially life-saving assistance to that person.
37

38 2. a. In the event that a professional or an emergency medical
39 responder administers an opioid antidote to a person and, in the course
40 of the interaction with that person, the professional or emergency
41 medical responder has contact with the person or an object which
42 involved or was likely to involve the transmission of the person's
43 bodily fluid to the professional or emergency medical responder, the
44 professional or emergency medical responder may notify the local
45 public health officer of the potential contact with bodily fluids within
46 24 hours of the suspected contact to request that the person submit to
47 serological tests or other medically appropriate tests, including such
48 repeat or confirmatory tests as may be medically appropriate, for

- 1 infection with the human immunodeficiency virus (HIV), hepatitis,
2 and any other infectious diseases that can be transmitted by contact
3 with bodily fluids.
- 4 b. A public health officer receiving a request pursuant to
5 subsection a. of this section shall seek to obtain voluntary consent to
6 testing from the person who was administered the opioid antidote. If
7 the person does not consent and submit to testing within 24 hours of
8 the public health officer's request, the public health officer shall file an
9 emergency application to a court having jurisdiction for an order
10 requiring the person to submit to testing.
- 11 c. A court shall grant the order requested pursuant to subsection
12 b. of this section if the court finds, by a preponderance of evidence,
13 that there is a risk that an infectious disease was transmitted as a result
14 of the contact. The court order shall require testing to be performed as
15 soon as practicable by a health care provider or at a health care facility
16 licensed or authorized to administer the ordered testing.
- 17 d. The results of any testing ordered by a court pursuant to
18 subsection c. of this section shall be disclosed to the person tested and
19 the professional or emergency medical responder who requested the
20 testing, but shall not be disclosed to any other individual except as
21 authorized by law or court order. A consent order for testing and any
22 test results shall be confidential and shall not be used for any law
23 enforcement purposes or as evidence in any civil proceeding. A
24 person who knowingly discloses or uses such confidential information
25 in violation of this section is guilty of a crime of the fourth degree.
- 26 e. In addition to any other disposition authorized, a court may
27 order the person who was administered the opioid antidote to
28 reimburse the State for the costs of the tests ordered pursuant to
29 subsection c. of this section.
- 30 f. A person who performs a test ordered pursuant to subsection c.
31 of this section in accordance with accepted medical standards for the
32 performance of such tests shall be immune from civil and criminal
33 liability arising from their conduct.
- 34 g. This section shall not be construed to preclude or limit any
35 other testing for HIV, hepatitis, or any other infectious disease that is
36 otherwise permitted by statute, court rule, or common law.
- 37 h. As used in this section, the terms "emergency medical
38 responder," "opioid antidote," and "professional," have the same
39 meaning as given by section 3 of P.L.2013, c.46 (C.24:6J-3).

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41 3. This act shall take effect immediately.

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44 STATEMENT

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46 This bill would supplement the "Overdose Prevention Act,"
47 P.L.2013, c.46 (C.24:6J-1 et al.) to provide for the court-ordered

1 testing of certain persons who have been administered an opioid
2 antidote by a first responder.

3 The bill provides that a professional or an emergency medical
4 responder (as those terms are defined in the “Overdose Prevention
5 Act,” which include emergency medical technicians, sterile syringe
6 access program workers, and law enforcement officers) who
7 administers an opioid antidote to a person may notify the local public
8 health officer within 24 hours if the contact with the person or an
9 object involved or was likely to involve the transmission of the
10 person’s bodily fluid to the professional or emergency medical
11 responder. Upon the emergency medical responder’s request, the
12 public health officer is required to seek consent from the person who
13 was administered the opioid antidote to voluntarily submit to
14 serological tests or other medically appropriate tests, including repeat
15 or confirmatory tests, for infection with the human immunodeficiency
16 virus (HIV), hepatitis, and any other infectious diseases that can be
17 transmitted by contact with bodily fluids. If the person does not
18 consent and submit to testing within 24 hours of the public health
19 officer’s request, the public health officer is required to file an
20 emergency application for a court order requiring the person to submit
21 to testing.

22 The court is to grant the order for testing if the court finds, by a
23 preponderance of evidence, that there is a risk that an infectious
24 disease was transmitted as a result of the contact. The court order
25 would require testing to be performed as soon as practicable by a
26 health care provider or at a health care facility licensed or authorized
27 to administer the ordered testing.

28 The results of any testing would be disclosed to the person tested
29 and the professional or emergency medical responder who requested
30 the testing, but are not to be disclosed to any other individual except as
31 authorized by law or court order. A consent order for testing and any
32 test results would be confidential and could not be used for any law
33 enforcement purposes or as evidence in any civil proceeding. A
34 person who knowingly discloses or uses such confidential information
35 in violation of the bill would be guilty of a fourth degree crime. The
36 bill authorizes the court to order the person who was administered the
37 opioid antidote to reimburse the State for the costs of the tests.

38 A person who performs a test ordered in accordance with accepted
39 medical standards for the performance of such tests would be immune
40 from civil and criminal liability arising from their conduct.

41 The bill is not to be construed to preclude or limit any other testing
42 for HIV, hepatitis, or any other infectious disease that is otherwise
43 permitted by statute, court rule, or common law.