

## Chapter 28

(Senate Bill 77)

AN ACT concerning

### Health General – Disease Prevention and Testing – Inmates of Correctional Institutions

FOR the purpose of expanding the definition of health care provider as it relates to certain provisions of law on testing for human immunodeficiency virus (HIV); adding a type of sample to be furnished by certain inmates for HIV testing; and generally relating to disease prevention and testing in correctional facilities.

BY repealing and reenacting, with amendments,  
Article – Health – General  
Section 18–338(a) and (b)  
Annotated Code of Maryland  
(2009 Replacement Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

#### Article – Health – General

18–338.

- (a) (1) In this section the following words have the meanings indicated.
- (2) “Correctional institution” means a place of detention or correctional confinement operated by or for the State or a local government.
- (3) “Correctional employee” means:
- (i) A person who is employed by a correctional institution; or
- (ii) A person who performs duties in a correctional institution by virtue of federal, State, or local government employment.
- (4) “Exposure” means, as between a correctional employee and an inmate:
- (i) Percutaneous contact with blood, semen, or blood contaminated fluids;

(ii) Mucocutaneous contact with blood, semen, or blood contaminated fluids;

(iii) Open wound, including dermatitis, exudative lesions, or chapped skin, contact with blood, semen, or blood contaminated fluids; and

(iv) Intact skin contact with large amounts of blood, semen, or blood contaminated fluids for a prolonged period.

(5) "Health care provider" means:

(I) [any] **ANY** person, including a physician or hospital, who is licensed or otherwise authorized in this State to provide health care services and is under contract with or operated by the correctional facility; **OR**

(II) **AN EMPLOYEE'S PRIVATE PHYSICIAN.**

(b) An inmate shall furnish to the correctional institution a blood sample **OR** ~~BRONCHIAL~~ **BUCCAL (CHEEK) SWAB** to be tested for the presence of human immunodeficiency virus (HIV) when:

(1) There has been an exposure involving the inmate;

(2) The exposure occurred in connection with the inmate's violation of institutional regulations;

(3) The inmate has been found guilty of the violation of institutional regulations described in paragraph (2) of this subsection;

(4) The correctional employee involved in the exposure has given written notice of the exposure to the managing official of the correctional institution, or the official's designee; and

(5) The exposure is confirmed by a health care provider.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

**Approved by the Governor, April 13, 2010.**