

Fifty-ninth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1410

Introduced by

Representatives Grande, Devlin, Kreidt

Senator J. Lee

1 A BILL for an Act to amend and reenact subsection 6 of section 23-07.5-02 of the North Dakota
2 Century Code, relating to blood tests on exposure to human immunodeficiency virus.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Subsection 6 of section 23-07.5-02 of the North Dakota
5 Century Code is amended and reenacted as follows:

6 6. Any testing done pursuant to subsection 3, 4, or 5 must be conducted in a
7 reasonably expedient manner. ~~An individual who has had a significant exposure,~~
8 ~~upon receiving certification of the significant exposure as required by subdivision b~~
9 ~~of subsection 3 or subdivision b of subsection 4, may petition an~~ The appropriate
10 district court ~~for issuance of~~ shall issue an order directing another individual,
11 patient, or provider with whom ~~the~~ an individual had a significant exposure to have
12 blood drawn to be tested for the presence of the human immunodeficiency virus ~~if~~
13 ~~a previously drawn blood sample is not available for testing immediately upon~~
14 ~~meeting the requirements of this subsection. Upon receiving the petition, the court~~
15 ~~may issue an order confining the test subject to be tested until the hearing or an~~
16 ~~order establishing reasonable security for that person's attendance at the hearing.~~
17 ~~This order may be modified or extended if testing is ordered. The court shall hold a~~
18 ~~hearing on the petition within three days of the date the court receives the petition.~~
19 The record of any court ~~hearing~~ proceeding conducted under this subsection is
20 confidential. The court ~~may~~ shall issue an order requiring testing under this
21 subsection ~~only~~ if:
22 a. The other individual, patient, or provider has been requested to consent to
23 testing and has ~~refused~~ not consented to be tested and a sample of the test

- 1 subject's blood is not available to be used to test for the human
2 immunodeficiency virus;
- 3 b. The court finds probable cause to believe that the person petitioning for the
4 testing had a significant exposure with the test subject as certified in writing
5 by a physician based on information provided to that physician;
- 6 c. The petition substitutes a pseudonym for the true name of the test subject;
- 7 d. ~~The court provides the test subject with notice and reasonable opportunity to~~
8 ~~participate in the proceeding if the person is not already a party to the~~
9 ~~proceeding~~;
- 10 e. The proceedings are conducted in camera ~~unless the subject of the test~~
11 ~~agrees to a hearing in open court~~; and
- 12 f. e. The court imposes appropriate safeguards against unauthorized disclosure
13 which must specify the persons who have access to the information, the
14 purposes for which the information may be used, and appropriate prohibition
15 on future disclosure.