

§832-A. Emergency blood-borne pathogen testing

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Aggressive blood-borne pathogen" means a blood-borne pathogen whose pathology is such that a person who has been exposed to the pathogen must receive medical treatment to have a chance to effectively neutralize the pathogen. [PL 2017, c. 292, §1 (NEW).]

B. "Body fluids" means body fluids that are excreted or secreted from the body, including, but not limited to, urine, feces, blood or saliva. [PL 2017, c. 292, §1 (NEW).]

C. "Emergency medical care provider" includes hospital personnel assisting in an emergency and emergency medical services persons, defined in Title 32, section 83, subsection 12, but does not include a firefighter. [PL 2023, c. 455, §4 (AMD).]

D. "Firefighter" has the same meaning as in Title 17-A, section 752-E, subsection 2. [PL 2017, c. 292, §1 (NEW).]

E. "First responder" means a law enforcement officer, firefighter or emergency medical care provider. [PL 2017, c. 292, §1 (NEW).]

F. "Law enforcement officer" has the same meaning as in Title 17-A, section 2, subsection 17. [PL 2017, c. 292, §1 (NEW).]
[PL 2023, c. 455, §4 (AMD).]

2. Testing; expedited hearing. When a first responder has been exposed to a person's body fluids in the course of the first responder's official duties, the first responder or the first responder's designee may ask the person whose body fluids were the source of exposure to the first responder to submit to a blood test. If the person refuses, the first responder may petition the court and, if there is reasonable cause to suspect that the person's body fluids might contain an aggressive blood-borne pathogen, the court may order that a hearing be held in accordance with the procedures set forth in section 832, except that:

A. Upon receipt by the District Court of the petition, the court shall schedule a hearing to be held within 72 hours of the filing of the petition; [PL 2017, c. 292, §1 (NEW).]

B. Any appeal of the District Court's decision must be filed no later than 24 hours following the court's decision; and [PL 2017, c. 292, §1 (NEW).]

C. Upon receipt by the Superior Court of an appeal under paragraph B, the court shall schedule a hearing to be held within 72 hours. [PL 2017, c. 292, §1 (NEW).]
[PL 2017, c. 292, §1 (NEW).]

SECTION HISTORY

PL 2017, c. 292, §1 (NEW). PL 2023, c. 455, §4 (AMD).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the First Regular and First Special Session of the 131st Maine Legislature and is current through November 1, 2023. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.