

FIRST REGULAR SESSION

HOUSE BILL NO. 1181

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE FITZWATER (49).

2556H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 191.677, RSMo, and to enact in lieu thereof one new section relating to prohibited acts for individuals knowingly infected with HIV, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 191.677, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 191.677, to read as follows:

191.677. 1. It shall be unlawful for any individual knowingly infected with HIV to:

(1) Be or attempt to be a blood, blood products, organ, sperm or tissue donor except as deemed necessary for medical research;

(2) Act in a reckless manner by exposing another person to HIV without the knowledge and consent of that person to be exposed to HIV, in one of the following manners:

(a) Through contact with blood, semen or vaginal secretions in the course of oral, anal or vaginal sexual intercourse; [or]

(b) By the sharing of needles; [or]

(c) By biting another person or purposely acting in any other manner which causes the HIV-infected person's semen, vaginal secretions, or blood to come into contact with the mucous membranes or nonintact skin of another person. Evidence that a person has acted recklessly in creating a risk of infecting another individual with HIV shall include, but is not limited to, the following:

a. The HIV-infected person knew of such infection before engaging in sexual activity with another person, sharing needles with another person, biting another person, or purposely causing his or her semen, vaginal secretions, or blood to come into contact with the mucous membranes or nonintact skin of another person, and such other person is unaware of the

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 HIV-infected person's condition or does not consent to contact with blood, semen or vaginal fluid
19 in the course of such activities;

20 b. The HIV-infected person has subsequently been infected with and tested positive to
21 primary and secondary syphilis, or gonorrhea, or chlamydia; or

22 c. Another person provides evidence of sexual contact with the HIV-infected person after
23 a diagnosis of an HIV status; **or**

24 **(d) By intentionally projecting saliva at another person.**

25 2. Violation of the provisions of subdivision (1) or (2) of subsection 1 of this section is
26 a class B felony unless the victim contracts HIV from the contact in which case it is a class A
27 felony.

28 3. The department of health and senior services or local law enforcement agency, victim
29 or others may file a complaint with the prosecuting attorney or circuit attorney of a court of
30 competent jurisdiction alleging that a person has violated a provision of subsection 1 of this
31 section. The department of health and senior services shall assist the prosecutor or circuit
32 attorney in preparing such case, and upon request, turn over to peace officers, police officers, the
33 prosecuting attorney or circuit attorney, or the attorney general records concerning that person's
34 HIV-infected status, testing information, counseling received, and the identity and available
35 contact information for individuals with whom that person had sexual intercourse or deviate
36 sexual intercourse and those individuals' test results.

37 4. The use of condoms is not a defense to a violation of paragraph (a) of subdivision (2)
38 of subsection 1 of this section.

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