

68-10-116. Exposure of law enforcement officer to hepatitis B or HIV virus - Testing of suspects.

(a) If, during the course of arresting, transporting or processing a person charged with the commission of a criminal offense, a law enforcement officer is exposed to the blood or other body fluid of such arrested person in any manner that presents a significant risk of transmission of the hepatitis B virus or the HIV (AIDS) virus, then the exposed officer has the right to request that such arrested person's blood be tested for the presence of the hepatitis B virus and the HIV (AIDS) virus.

(b) Such testing shall occur at a licensed health care facility, with the cost to be paid by the state, county or municipal subdivision thereof which employs the law enforcement officer. Any person who, acting at the written request of a law enforcement officer, withdraws blood from a person for the purpose of making such test, shall not incur any civil or criminal liability as a result of the withdrawing of such blood, except for any damages that may result from the negligence of the person so withdrawing. Neither shall the hospital or licensed health care facility incur, except for negligence, any civil or criminal liability as a result of the act of withdrawing blood from any person. The results of such testing shall be confidential; provided, that the law enforcement officer exposed to such blood or other body fluid shall have the right to request the results of such testing and the person providing such test results shall be immune from liability in the same manner as is provided in § [68-10-115](#).

[Acts 1994, ch. 914, § 1.]