



STATE OF ARIZONA  
OFFICE OF THE GOVERNOR

DOUGLAS A. DUCEY  
GOVERNOR

EXECUTIVE OFFICE

April 17, 2019

The Honorable Katie Hobbs  
Secretary of State  
1700 W. Washington, 7<sup>th</sup> Floor  
Phoenix, AZ 85007

Dear Secretary Hobbs:

I am transmitting to you the following bills from the Fifty-fourth Legislature, 1st Regular Session, which I signed on April 17th, 2019:

H.B. 2041 hospital assaults; testing; reporting; sanctions (Finchem)  
H.B. 2176 college credit by examination; payments (Weninger)  
H.B. 2238 election procedures; manual (Townsend)  
H.B. 2276 ambulances; certificates; name change (Biasiucci)  
H.B. 2371 real estate; licenses; applications (Toma)  
H.B. 2439 highway rest area programs; continuation (Griffin)  
H.B. 2443 property disclosure affidavit; adjudication claim (Griffin)  
H.B. 2488 annual report; veteran suicides (Lawrence)  
H.B. 2552 state lottery; prizewinner confidentiality (Barto)  
H.B. 2706 ALTCS; licensed nursing assistants (Osborne)  
S.B. 1090 emergency voting procedures; board action (Ugenti-Rita)  
S.B. 1105 direct primary care agreements (Carter)  
S.B. 1328 barbers; cosmetologists; licensure; reciprocity; apprenticeships (Pace)

Sincerely,

Douglas A. Ducey  
Governor  
State of Arizona

cc: Senate Secretary  
Chief Clerk of the House of Representatives  
Arizona News Service

House Engrossed  
**FILED**  
**KATIE HOBBS**  
**SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Fifty-fourth Legislature  
First Regular Session  
2019

**CHAPTER 97**  
**HOUSE BILL 2041**

AN ACT

AMENDING SECTION 13-1210, ARIZONA REVISED STATUTES; RELATING TO HOSPITAL ASSAULTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-1210, Arizona Revised Statutes, is amended to  
3 read:

4 13-1210. Assaults on hospital employees, public safety  
5 employees or volunteers and state hospital  
6 employees; disease testing; petition; hearing;  
7 notice; definitions

8 A. A HOSPITAL EMPLOYEE, A public safety employee or volunteer or  
9 the employing agency, officer or entity may petition the court for an  
10 order authorizing testing of another person for the human immunodeficiency  
11 virus, common blood borne diseases or other diseases specified in the  
12 petition if there are reasonable grounds to believe an exposure occurred  
13 and one of the following applies:

14 1. The person is charged in any criminal complaint and the  
15 complaint alleges that the person interfered with the official duties of  
16 the HOSPITAL EMPLOYEE OR THE public safety employee or volunteer by  
17 biting, scratching, spitting or transferring blood or other bodily fluids  
18 on or through the skin or membranes of the HOSPITAL EMPLOYEE OR THE public  
19 safety employee or volunteer.

20 2. There is probable cause to believe that the person interfered  
21 with the official duties of the HOSPITAL EMPLOYEE OR THE public safety  
22 employee or volunteer by biting, scratching, spitting or transferring  
23 blood or other bodily fluids on or through the skin or membranes of the  
24 HOSPITAL EMPLOYEE OR public safety employee or volunteer and that the  
25 person is deceased.

26 3. There is probable cause to believe that the person bit,  
27 scratched, spat or transferred blood or other bodily fluid on or through  
28 the skin or membranes of a HOSPITAL EMPLOYEE OR A public safety employee  
29 or volunteer who was performing an official duty.

30 4. The person is arrested, charged or in custody and the HOSPITAL  
31 EMPLOYEE OR THE public safety employee or volunteer alleges, by affidavit,  
32 that the person interfered with the official duties of the HOSPITAL  
33 EMPLOYEE OR THE public safety employee or volunteer by biting, scratching,  
34 spitting or transferring blood or other bodily fluids on or through the  
35 skin or membranes of the HOSPITAL EMPLOYEE OR THE public safety employee  
36 or volunteer.

37 B. An employee of the Arizona state hospital or the employing  
38 agency may petition the court for an order authorizing testing of another  
39 person for the human immunodeficiency virus, common blood borne diseases  
40 or other diseases specified in the petition if there are reasonable  
41 grounds to believe an exposure occurred and the person is a patient who is  
42 confined to the Arizona state hospital and who is alleged to have  
43 interfered with the official duties of the Arizona state hospital employee  
44 by biting, scratching, spitting or transferring blood or other bodily

1 fluids on or through the skin or membranes of the Arizona state hospital  
2 employee.

3 C. The court shall hear the petition promptly. If the court finds  
4 that probable cause exists to believe that a possible transfer of blood or  
5 other bodily fluids occurred between the person and the HOSPITAL EMPLOYEE,  
6 THE public safety employee or volunteer or the Arizona state hospital  
7 employee, the court shall order that either:

8 1. The person provide two specimens of blood for testing.

9 2. If the person is deceased, the medical examiner draw two  
10 specimens of blood for testing.

11 D. Notwithstanding subsection C, paragraph 2 of this section, on  
12 written notice from the agency, officer or entity employing the HOSPITAL  
13 EMPLOYEE OR THE public safety employee or volunteer, the medical examiner  
14 is authorized to draw two specimens of blood for testing during the  
15 autopsy or other examination of the deceased person's body. The medical  
16 examiner shall release the specimen to the employing agency, officer or  
17 entity for testing only after the court issues its order pursuant to  
18 subsection C, paragraph 2 of this section. If the court does not issue an  
19 order within thirty days after the medical examiner collects the specimen,  
20 the medical examiner shall destroy the specimen.

21 E. Notice of the test results shall be provided as prescribed by  
22 the department of health services to the person tested, to the HOSPITAL  
23 EMPLOYEE, THE public safety employee or volunteer or the Arizona state  
24 hospital employee named in the petition and to the employee's or  
25 volunteer's employing agency, officer or entity and, if the person tested  
26 is incarcerated or detained, to the officer in charge and the chief  
27 medical officer of the facility in which the person is incarcerated or  
28 detained.

29 F. Section 36-665 does not apply to this section.

30 G. For the purposes of this section:

31 1. "Arizona state hospital" includes the Arizona community  
32 protection and treatment center.

33 2. "Arizona state hospital employee" means an employee of the  
34 Arizona state hospital who has direct patient contact.

35 3. "HOSPITAL EMPLOYEE" MEANS A PRIVATE HOSPITAL EMPLOYEE OR  
36 VOLUNTEER OR A PERSON WHO IS AUTHORIZED TO PERFORM OFFICIAL DUTIES AT A  
37 PRIVATE HOSPITAL WHILE PERFORMING THOSE AUTHORIZED DUTIES.

38 4. "PRIVATE HOSPITAL" MEANS A HOSPITAL THAT IS NOT MAINTAINED AND  
39 OPERATED BY THIS STATE OR ANY POLITICAL SUBDIVISION OF THIS STATE.

40 ~~5.~~ 5. "Private prison security officer" means a security officer  
41 who is employed by a private contractor that contracts with a governmental  
42 entity to provide detention or incarceration facility services for  
43 offenders.

44 ~~6.~~ 6. "Public safety employee or volunteer" means a law  
45 enforcement officer, any employee, contractor or volunteer of a state or

1 local law enforcement agency or correctional facility, a probation  
2 officer, a surveillance officer, an adult or juvenile correctional service  
3 officer, a detention officer, a private prison security officer, a  
4 firefighter, an emergency medical technician or any other person who is  
5 authorized to perform official duties or be present within a correctional  
6 facility.

7 Sec. 2. Legislative intent; assault reporting

8 The legislature intends to encourage private hospitals to keep and  
9 report information on the number of assaults that occur against private  
10 hospital employees and volunteers each year and the circumstances of those  
11 assaults. The data obtained must be provided to public policy researchers  
12 with a mission of establishing a safer working environment for hospital  
13 staff, volunteers and visitors. The legislature intends that this  
14 information will assist in the study of ways to reduce violence against  
15 health care workers and in making recommendations to the legislature on  
16 how to reduce the number of assaults and to ensure that assaults on health  
17 care workers do not go unreported to law enforcement agencies and  
18 prosecutors.

**APPROVED BY THE GOVERNOR APRIL 17, 2019.**

**FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 17, 2019.**

Passed the House February 26, 20 19

Passed the Senate April 10, 20 19

by the following vote: 57 Ayes,

by the following vote: 29 Ayes,

2 Nays, 1 Not Voting

0 Nays, 1 Not Voting

R. R. Boylston  
Speaker of the House

Karen Farn  
President of the Senate

Jim Drake  
Chief Clerk of the House

Susan Owens  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

11th day of April, 20 19

at 1:40 o'clock P M.

[Signature]  
Secretary to the Governor

Approved this 17th day of

April 2019

at 1:04 o'clock P M.

[Signature]  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 17 day of April, 20 19

at 4:34 o'clock P M.

[Signature]  
Secretary of State

H.B. 2041