S T A T E O F N E W Y O R K

4816

2013-2014 Regular Sessions

I N S E N A T E

April 24, 2013

Introduced by Sen. CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to creating the offense of reckless infection of a patient with a communicable disease by a health care provider

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The penal law is amended by adding a new section 240.67 to read as follows:

S 240.67 RECKLESS INFECTION OF A PATIENT WITH A COMMUNICABLE DISEASE BY A HEALTH CARE PROVIDER.

A PERSON IS GUILTY OF RECKLESS INFECTION OF A PATIENT WITH A COMMUNICABLE DISEASE BY A HEALTH CARE PROVIDER WHEN A HEALTH CARE PROVIDER THROUGH RECKLESS CONDUCT, INCLUDING, BUT NOT LIMITED TO, THE REUSE OF A SYRINGE, NEEDLE OR OTHER SHARP, INFECTS A PATIENT WITH A COMMUNICABLE DISEASE. FOR THE PURPOSES OF THIS SECTION, "HEALTH CARE PROVIDER" MEANS ANY PERSON WHO IS, OR IS REQUIRED TO BE, LICENSED OR REGISTERED OR HOLDS HIMSELF OR HERSELF OUT TO BE LICENSED OR REGISTERED, OR PROVIDES SERVICES AS IF HE OR SHE WERE LICENSED OR REGISTERED IN THE PROFESSION OF MEDICINE, CHIROPRACTIC, DENTISTRY OR PODIATRY UNDER ANY OF THE FOLLOWING: ARTICLE ONE HUNDRED THIRTY-ONE, ONE HUNDRED THIRTY-TWO, ONE HUNDRED THIRTY-THREE, OR ONE HUNDRED FORTY-ONE OF THE EDUCATION LAW.

RECKLESS INFECTION OF A PATIENT WITH A COMMUNICABLE DISEASE BY A HEALTH CARE PROVIDER IS A CLASS E FELONY.

S 2. This act shall take effect immediately.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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