

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:

1 Section 1. The penal law is amended by adding a new section 240.67 to
2 read as follows:
3 S 240.67 RECKLESS INFECTION OF A PATIENT WITH A COMMUNICABLE DISEASE BY
4 A HEALTH CARE PROVIDER.
5 A PERSON IS GUILTY OF RECKLESS INFECTION OF A PATIENT WITH A COMMUNI-
6 CABLE DISEASE BY A HEALTH CARE PROVIDER WHEN A HEALTH CARE PROVIDER
7 THROUGH RECKLESS CONDUCT, INCLUDING, BUT NOT LIMITED TO, THE REUSE OF A
8 SYRINGE, NEEDLE OR OTHER SHARP, INFECTS A PATIENT WITH A COMMUNICABLE
9 DISEASE. FOR THE PURPOSES OF THIS SECTION, "HEALTH CARE PROVIDER" MEANS
10 ANY PERSON WHO IS, OR IS REQUIRED TO BE, LICENSED OR REGISTERED OR HOLDS
11 HIMSELF OR HERSELF OUT TO BE LICENSED OR REGISTERED, OR PROVIDES
12 SERVICES AS IF HE OR SHE WERE LICENSED OR REGISTERED IN THE PROFESSION
13 OF MEDICINE, CHIROPRACTIC, DENTISTRY OR PODIATRY UNDER ANY OF THE
14 FOLLOWING: ARTICLE ONE HUNDRED THIRTY-ONE, ONE HUNDRED THIRTY-TWO, ONE
15 HUNDRED THIRTY-THREE, OR ONE HUNDRED FORTY-ONE OF THE EDUCATION LAW.
16 RECKLESS INFECTION OF A PATIENT WITH A COMMUNICABLE DISEASE BY A
17 HEALTH CARE PROVIDER IS A CLASS E FELONY.
18 S 2. This act shall take effect immediately.

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

LBD00377-01-3