

109TH CONGRESS
1ST SESSION

H. R. 3425

To amend title 38, United States Code, to require mandatory HIV testing of potential sources in the event of possible occupational exposure to HIV in a Department of Veterans Affairs medical facility.

IN THE HOUSE OF REPRESENTATIVES

JULY 25, 2005

Mr. TANCREDO introduced the following bill; which was referred to the
Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to require mandatory HIV testing of potential sources in the event of possible occupational exposure to HIV in a Department of Veterans Affairs medical facility.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Veterans Health Ad-
5 ministration Employee Protection Act”.

1 **SEC. 2. MANDATORY HIV TESTING OF POTENTIAL SOURCES**
2 **IN THE EVENT OF POSSIBLE OCCUPATIONAL**
3 **EXPOSURE TO HIV IN A DEPARTMENT OF**
4 **VETERANS AFFAIRS MEDICAL FACILITY.**

5 (a) MANDATORY TESTING.—

6 (1) IN GENERAL.—Chapter 74 of title 38,
7 United States Code, is amended by adding at the
8 end the following new subchapter:

9 “SUBCHAPTER VII—OTHER MATTERS

10 **“§ 7481. Occupational exposures to HIV: mandatory**
11 **testing of potential sources**

12 “(a) TESTING REQUIRED.—Whenever an employee of
13 the Department of Veterans Affairs incurs in an occupa-
14 tional setting a possible exposure to the human immuno-
15 deficiency virus, the Secretary shall test for that virus the
16 person who is the source (or potential source) of the expo-
17 sure.

18 “(b) REGULATIONS.—The Secretary shall prescribe
19 such regulations as required for purposes of this section.
20 The Secretary may require in such regulations that con-
21 sent to testing under subsection (a) shall be—

22 “(1) a condition of the receipt by any person of
23 medical care and services provided by the Depart-
24 ment; and

25 “(2) a condition of employment of any person
26 by the Department.”.

1 (2) CLERICAL AMENDMENT.—The table of sec-
2 tions at the beginning of such chapter is amended
3 by adding at the end the following:

“SUBCHAPTER VII—OTHER MATTERS

“7481. Occupational exposures to HIV: mandatory testing of potential
sources.”.

4 (b) EFFECTIVE DATE.—Section 7481 of title 38,
5 United States Code, as added by subsection (a), shall take
6 effect on October 1, 2005.

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