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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 436 Session of  
1989

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INTRODUCED BY REBER, VROON, PERZEL, WOGAN, DEMPSEY, BUNT,  
CORRIGAN, NOYE, E. Z. TAYLOR, HERMAN, LEH, JOHNSON AND  
GANNON, FEBRUARY 14, 1989

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REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 14, 1989

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AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, providing for a cause of  
3 action for risking infection with acquired immune deficiency  
4 syndrome.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Title 42 of the Pennsylvania Consolidated  
8 Statutes is amended by adding a section to read:

9 § 8307. Acquired immune deficiency syndrome.

10 (a) Cause of action.--An action may be brought, under  
11 procedures prescribed by general rules, to recover damages for  
12 exposure to acquired immune deficiency syndrome (AIDS).

13 (b) Elements.--The elements of a cause of action under this  
14 section are:

15 (1) The defendant engaged in sexual intercourse with the  
16 plaintiff.

17 (2) At the time of the sexual intercourse under  
18 paragraph (1), the defendant:

1           (i) was a carrier of the human immunodeficiency  
2           virus (HIV); and

3           (ii) had knowledge of being a carrier of the human  
4           immunodeficiency virus.

5           (3) The defendant did not notify the plaintiff that the  
6           defendant was a carrier of the human immunodeficiency virus  
7           prior to engaging in the sexual intercourse under paragraph  
8           (1).

9           (c) Recovery not barred.--Failure of the plaintiff to  
10          contract acquired immune deficiency syndrome as a result of  
11          sexual intercourse under subsection (b)(1) shall not bar  
12          recovery under this section.

13          Section 2. This act shall take effect in 60 days.