

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 436 Session of
1989

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

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 14, 1989

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.