

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 930 Session of
1993

INTRODUCED BY REBER, WOGAN, CORNELL, BELFANTI, E. Z. TAYLOR AND
GEIST, MARCH 24, 1993

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 24, 1993

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 § 8311. Action for exposure to acquired immune deficiency
10 syndrome.

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

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

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

18 (2) At the time of the sexual intercourse under

1 paragraph (1), the defendant:

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

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

6 (3) The defendant did not notify the plaintiff that the
7 defendant was a carrier of the human immunodeficiency virus
8 prior to engaging in the sexual intercourse under paragraph
9 (1).

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

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