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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 930 Session of  
1993

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

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REFERRED TO COMMITTEE ON JUDICIARY, MARCH 24, 1993

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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 § 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.