**CHAPTER 709C CRIMINAL TRANSMISSION OF HUMAN IMMUNODEFICIENCY VIRUS**

For provisions relating to testing of offenders and alleged criminal offenders, see § 915.40==915.43

709C.1 CRIMINAL TRANSMISSION OF HUMAN IMMUNODEFICIENCY VIRUS.

**709C.1 CRIMINAL TRANSMISSION OF HUMAN**

**IMMUNODEFICIENCY VIRUS.**

1. A person commits criminal transmission of the human

immunodeficiency virus if the person, knowing that the person's human

immunodeficiency virus status is positive, does any of the following:

*a.* Engages in intimate contact with another person.

*b.* Transfers, donates, or provides the person's blood,

tissue, semen, organs, or other potentially infectious bodily fluids

for transfusion, transplantation, insemination, or other

administration to another person.

*c.* Dispenses, delivers, exchanges, sells, or in any other way

transfers to another person any nonsterile intravenous or

intramuscular drug paraphernalia previously used by the person

infected with the human immunodeficiency virus.

2. For the purposes of this section:

*a. "Human immunodeficiency virus"* means the human

immunodeficiency virus identified as the causative agent of acquired

immune deficiency syndrome.

*b. "Intimate contact"* means the intentional exposure of the

body of one person to a bodily fluid of another person in a manner

that could result in the transmission of the human immunodeficiency

virus.

*c. "Intravenous or intramuscular drug paraphernalia"* means

any equipment, product, or material of any kind which is peculiar to

and marketed for use in injecting a substance into or withdrawing a

bodily fluid from the human body.

3. Criminal transmission of the human immunodeficiency virus is a

class "B" felony.

4. This section shall not be construed to require that an

infection with the human immunodeficiency virus has occurred for a

person to have committed criminal transmission of the human

immunodeficiency virus.

5. It is an affirmative defense that the person exposed to the

human immunodeficiency virus knew that the infected person had a

positive human immunodeficiency virus status at the time of the

action of exposure, knew that the action of exposure could result in

transmission of the human immunodeficiency virus, and consented to

the action of exposure with that knowledge.

**Section History: Recent Form**

98 Acts, ch 1087, §7

Referred to in § 692A.101, 692A.102