**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