

By: Jones of Dallas

H.B. No. 2235

A BILL TO BE ENTITLED

AN ACT

relating to HIV and AIDS tests.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Subchapter D, Chapter 85, Health and Safety Code, is amended to read as follows:

SUBCHAPTER D. HIV TESTING, TESTING PROGRAMS, AND COUNSELING

SECTION 2. Subchapter D, Chapter 85, Health and Safety Code, is amended by adding Section 85.0815 to read as follows:

Sec. 85.0815. OPT-OUT HIV TESTING IN CERTAIN ROUTINE MEDICAL SCREENINGS. (a) A health care provider who takes a sample of an individual's blood as part of a medical screening may submit the sample for an HIV diagnostic test, regardless of whether an HIV test is part of a primary diagnosis, unless the individual opts out of the HIV test.

(b) Before taking a sample of an individual's blood as part of a medical screening, a health care provider must obtain the individual's written consent for an HIV diagnostic test or verbally inform the individual that an HIV diagnostic test will be performed unless the individual opts out of the HIV test.

(c) A health care provider who submits an individual's blood for an HIV diagnostic test shall provide to each individual who receives a positive test result information on available HIV health services and referrals to community support programs.

(d) The executive commissioner shall adopt rules to

1 implement this section. In adopting rules, the executive  
2 commissioner must consider the most recent recommendations of the  
3 Centers for Disease Control and Prevention for HIV testing of  
4 adults and adolescents.

5 SECTION 3. Section 32.024, Human Resources Code, is amended  
6 by adding Subsection (ee) to read as follows:

7 (ee) The executive commissioner shall adopt rules to require  
8 the commission to provide an HIV test in accordance with Section  
9 85.0815, Health and Safety Code, to an individual who receives  
10 medical assistance.

11 SECTION 4. (a) The executive commissioner of the Health and  
12 Human Services Commission shall adopt the rules required by Section  
13 85.0815, Health and Safety Code, as added by this Act, and Section  
14 32.024(ee), Human Resources Code, as added by this Act, not later  
15 than January 1, 2024.

16 (b) Notwithstanding Section 85.0815, Health and Safety  
17 Code, as added by this Act, a health care provider is not required  
18 to comply with that section until January 1, 2024.

19 SECTION 5. This Act takes effect September 1, 2023.