

By: Van de Putte

S.B. No. 401

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to testing certain public safety personnel for accidental  
3 exposure to hepatitis B or hepatitis C.

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

5 SECTION 1. Section 81.095(b), Health and Safety Code, is  
6 amended to read as follows:

7 (b) This subsection applies only in a case of accidental  
8 exposure of certified emergency medical services personnel, a  
9 firefighter, a peace officer, or a first responder who renders  
10 assistance at the scene of an emergency or during transport to the  
11 hospital to blood or other body fluids of a patient who is  
12 transported to a licensed hospital. The hospital receiving the  
13 patient, following a report of the exposure incident, shall take  
14 reasonable steps to test the patient for hepatitis B or hepatitis C  
15 if the report shows there is significant risk to the person exposed.  
16 The ~~[person exposed, or the]~~ organization that employs the person  
17 or for which the person works as a volunteer in connection with  
18 rendering the assistance~~[7]~~ is responsible for paying the costs of  
19 the test. The hospital shall provide the test results to the  
20 department or to the local health authority, which are responsible  
21 for following the procedures prescribed by Section 81.050(h) to  
22 inform the person exposed and, if applicable, the patient regarding  
23 the test results. The hospital shall follow applicable reporting  
24 requirements prescribed by Subchapter C. This subsection does not

1 impose a duty on a hospital to provide any further testing,  
2 treatment, or services or to perform further procedures.

3 SECTION 2. This Act takes effect immediately if it receives  
4 a vote of two-thirds of all the members elected to each house, as  
5 provided by Section 39, Article III, Texas Constitution. If this  
6 Act does not receive the vote necessary for immediate effect, this  
7 Act takes effect September 1, 2003.