

1-1 By: Van de Putte S.B. No. 401  
1-2 (In the Senate - Filed February 6, 2003; February 17, 2003,  
1-3 read first time and referred to Committee on Health and Human  
1-4 Services; April 2, 2003, reported favorably by the following vote:  
1-5 Yeas 7, Nays 0; April 2, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to testing certain public safety personnel for accidental  
1-9 exposure to hepatitis B or hepatitis C.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subsection (b), Section 81.095, Health and  
1-12 Safety Code, is amended to read as follows:

1-13 (b) This subsection applies only in a case of accidental  
1-14 exposure of certified emergency medical services personnel, a  
1-15 firefighter, a peace officer, or a first responder who renders  
1-16 assistance at the scene of an emergency or during transport to the  
1-17 hospital to blood or other body fluids of a patient who is  
1-18 transported to a licensed hospital. The hospital receiving the  
1-19 patient, following a report of the exposure incident, shall take  
1-20 reasonable steps to test the patient for hepatitis B or hepatitis C  
1-21 if the report shows there is significant risk to the person exposed.  
1-22 The [~~person exposed, or the~~] organization that employs the person  
1-23 or for which the person works as a volunteer in connection with  
1-24 rendering the assistance[~~7~~] is responsible for paying the costs of  
1-25 the test. The hospital shall provide the test results to the  
1-26 department or to the local health authority, which are responsible  
1-27 for following the procedures prescribed by Section 81.050(h) to  
1-28 inform the person exposed and, if applicable, the patient regarding  
1-29 the test results. The hospital shall follow applicable reporting  
1-30 requirements prescribed by Subchapter C. This subsection does not  
1-31 impose a duty on a hospital to provide any further testing,  
1-32 treatment, or services or to perform further procedures.

1-33 SECTION 2. This Act takes effect immediately if it receives  
1-34 a vote of two-thirds of all the members elected to each house, as  
1-35 provided by Section 39, Article III, Texas Constitution. If this  
1-36 Act does not receive the vote necessary for immediate effect, this  
1-37 Act takes effect September 1, 2003.

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