

By: Uresti

H.B. No. 1865

A BILL TO BE ENTITLED

AN ACT

relating to the use of post-exposure prophylaxis for survivors of sexual assault.

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

SECTION 1. Chapter 44, Health and Safety Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. POST-EXPOSURE PROPHYLAXIS

Sec. 44.101. DEFINITIONS. In this subchapter:

(1) "Post-exposure prophylaxis" means a course of antiretroviral drugs administered to reduce a person's risk of human immunodeficiency virus seroconversion.

(2) "Sexual assault" means any act as described by Section 21.11, 22.011, or 22.021, Penal Code, that exposes a survivor to human immunodeficiency virus.

(3) "Survivor" means an individual who is a victim of a sexual assault, regardless of whether a report to law enforcement is made or a conviction is obtained with regard to the assault.

Sec. 44.102. INFORMATION ABOUT POST-EXPOSURE PROPHYLAXIS.

(a) A physician examining a survivor shall inform the survivor of:

(1) the availability and cost of post-exposure prophylaxis;

(2) the benefits of post-exposure prophylaxis in reducing the survivor's risk of human immunodeficiency virus seroconversion;

1 (3) the particular medical risks of post-exposure
2 prophylaxis to the patient, including any possible side effects;
3 and

4 (4) the proper maintenance of the post-exposure
5 prophylaxis protocol.

6 (b) The information required to be provided to the survivor
7 by Subsection (a) must be provided within 72 hours of the sexual
8 assault unless, in the physician's professional judgment, the
9 diminished benefits of post-exposure prophylaxis outweigh the
10 potential risk for adverse events from post-exposure prophylaxis.

11 Sec. 44.103. CRIME VICTIM'S COMPENSATION. (a) This
12 section applies only to a survivor who is eligible to receive
13 assistance under Subchapter B, Chapter 56, Code of Criminal
14 Procedure.

15 (b) For purposes of Article 56.385, Code of Criminal
16 Procedure, post-exposure prophylaxis is presumed to be medically
17 necessary if a physician has determined that the benefits for the
18 survivor of maintaining the protocol outweigh the risks.

19 SECTION 2. Section 32.024, Human Resources Code, is amended
20 by adding Subsection (bb) to read as follows:

21 (bb) The department shall provide post-exposure prophylaxis
22 for sexual assault survivors, as defined by Section 44.101, Health
23 and Safety Code, who are eligible to receive medical assistance.

24 SECTION 3. If before implementing the change in law made by
25 Section 32.024(bb), as added by this Act, a state agency determines
26 that a waiver or authorization from a federal agency is necessary
27 for implementation of that change in law, the agency affected by the

1 change in law shall request the waiver or authorization and may
2 delay implementing that change in law until the waiver or
3 authorization is granted.

4 SECTION 4. This Act takes effect September 1, 2005.