

By: Davis of Dallas

H.B. No. 1381

A BILL TO BE ENTITLED

AN ACT

relating to the provision of HIV and AIDS tests.

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

SECTION 1. Subchapter D, Chapter 85, Health and Safety Code, is amended by adding Section 85.090 to read as follows:

Sec. 85.090. OPT-OUT HIV TESTING IN CERTAIN ROUTINE MEDICAL SCREENINGS. (a) A health care provider that takes a sample of a person's blood as part of a routine medical screening shall submit the sample for an HIV diagnostic test, regardless of whether an HIV test is part of a primary diagnosis, unless the person opts out of the HIV test.

(b) Before taking a sample of a person's blood, a health care provider must verbally inform a person that an HIV test will be performed unless the person opts out of the HIV test.

(c) The executive commissioner of the Health and Human Services Commission shall adopt rules to implement this section. In adopting rules, the executive commissioner must consider the most recent recommendations of the federal Centers for Disease Control and Prevention for HIV testing of adults and adolescents.

SECTION 2. (a) The executive commissioner of the Health and Human Services Commission shall adopt the rules required by Section 85.090, Health and Safety Code, as added by this Act, not later than January 1, 2010.

(b) Notwithstanding Section 85.090, Health and Safety Code,

H.B. No. 1381

1 as added by this Act, a health care provider is not required to
2 comply with that section until January 1, 2010.

3 SECTION 3. This Act takes effect September 1, 2009.