

By: Nichols

S.B. No. 1171

A BILL TO BE ENTITLED

1 AN ACT
2 relating to certain health-related reports, records, and
3 information.

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

5 SECTION 1. Section 81.046, Health and Safety Code, is
6 amended by amending Subsections (a), (c), and (f) and adding
7 Subsection (g) to read as follows:

8 (a) Reports, records, and information received from any
9 source, including from a federal agency or from another state,
10 furnished to a public health district, a health authority, a local
11 health department, or the department that relate to cases or
12 suspected cases of diseases or health conditions are confidential
13 and may be used only for the purposes of this chapter.

14 (c) Medical or epidemiological information may be released:

15 (1) for statistical purposes if released in a manner
16 that prevents the identification of any person;

17 (2) with the consent of each person identified in the
18 information;

19 (3) to medical personnel treating the individual,
20 appropriate state agencies in this state or another state, a health
21 authority or local health department in this state or another
22 state, or federal, county, or [and] district courts to comply with
23 this chapter and related rules relating to the control and
24 treatment of communicable diseases and health conditions or under

1 another state or federal law that expressly authorizes the
2 disclosure of this information;

3 (4) to appropriate federal agencies, such as the
4 Centers for Disease Control and Prevention of the United States
5 Public Health Service, but the information must be limited to the
6 name, address, sex, race, and occupation of the patient, the date of
7 disease onset, the probable source of infection, and other
8 requested information relating to the case or suspected case of a
9 communicable disease or health condition; or

10 (5) to medical personnel to the extent necessary in a
11 medical emergency to protect the health or life of the person
12 identified in the information.

13 (f) Reports, records, and information relating to cases or
14 suspected cases of diseases or health conditions may be released to
15 the extent necessary during a public health disaster to law
16 enforcement personnel solely for the purpose of protecting the
17 health or life of the person identified in the report, record, or
18 information. Only the minimum necessary information may be
19 released under this subsection, as determined by the health
20 authority, local health department, or the department.

21 (g) A judge of a county or district court may issue a
22 protective order or take other action to limit disclosure of
23 medical or epidemiological information obtained under this section
24 before that information is entered into evidence or otherwise
25 disclosed in a court proceeding.

26 SECTION 2. Section 81.103, Health and Safety Code, is
27 amended by amending Subsection (b) and adding Subsection (k) to

1 read as follows:

2 (b) A test result may be released to:

3 (1) the department under this chapter;

4 (2) a local health authority if reporting is required
5 under this chapter;

6 (3) the Centers for Disease Control and Prevention of
7 the United States Public Health Service if reporting is required by
8 federal law or regulation;

9 (4) the physician or other person authorized by law
10 who ordered the test;

11 (5) a physician, nurse, or other health care personnel
12 who have a legitimate need to know the test result in order to
13 provide for their protection and to provide for the patient's
14 health and welfare;

15 (6) the person tested or a person legally authorized
16 to consent to the test on the person's behalf;

17 (7) the spouse of the person tested if the person tests
18 positive for AIDS or HIV infection, antibodies to HIV, or infection
19 with any other probable causative agent of AIDS;

20 (8) a person authorized to receive test results under
21 Article 21.31, Code of Criminal Procedure, concerning a person who
22 is tested as required or authorized under that article; ~~and~~

23 (9) a person exposed to HIV infection as provided by
24 Section 81.050; and

25 (10) a county or district court to comply with this
26 chapter or rules relating to the control and treatment of
27 communicable diseases and health conditions.

1 (k) A judge of a county or district court may issue a
2 protective order or take other action to limit disclosure of a test
3 result obtained under this section before that information is
4 entered into evidence or otherwise released in a court proceeding.

5 SECTION 3. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2009.