

By: West

S.B. No. 1287

A BILL TO BE ENTITLED

AN ACT

1  
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 81.103, Health and Safety Code, is  
6 amended by amending Subsections (b) and (e) and adding Subsection  
7 (k) to read as follows:

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

9 (1) the department under this chapter;

10 (2) a local health authority if reporting is required  
11 under this chapter;

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

15 (4) the physician or other person authorized by law  
16 who ordered the test;

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

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

23 (7) the spouse of the person tested if the person tests  
24 positive for AIDS or HIV infection, antibodies to HIV, or infection

1 with any other probable causative agent of AIDS;

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

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

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

10 (e) A person may release or disclose a test result for  
11 statistical summary purposes ~~only~~ without the written consent of  
12 the person tested if information that could identify the person is  
13 removed from the report.

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

18 SECTION 2. This Act takes effect immediately if it receives  
19 a vote of two-thirds of all the members elected to each house, as  
20 provided by Section 39, Article III, Texas Constitution. If this  
21 Act does not receive the vote necessary for immediate effect, this  
22 Act takes effect September 1, 2009.