

By: Davis of Dallas

H.B. No. 3239

A BILL TO BE ENTITLED

AN ACT

relating to the testing of certain inmates for all types of Hepatitis.

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

SECTION 1. Section 501.0541, Government Code, is amended by adding Section 501.0541 to read as follows:

Sec. 501.0541. HEPATITIS EDUCATION; TESTING. (a) The department, in consultation with the Texas Department of Health, shall establish education programs to educate inmates and employees of the department about Hepatitis. In establishing the programs for inmates, the department shall design a program that deals with issues related to Hepatitis that are relevant to inmates while confined and a program that deals with issues related to Hepatitis that will be relevant to inmates after the inmates are released. The department shall design the programs to take into account relevant cultural and other differences among inmates. The department shall require each inmate in a facility operated by the department to participate in education programs established under this subsection.

(c) The department shall require each employee of the department to participate in programs established under this section at least once during each calendar year.

(d) The department shall ensure that education programs for employees include information and training relating to infection

1 control procedures. The department shall also ensure that
2 employees have infection control supplies and equipment readily
3 available.

4 (e) The department, in consultation with the Texas
5 Department of Health, shall periodically revise education programs
6 established under this section so that the programs reflect the
7 latest medical information available on Hepatitis.

8 (f) The department shall adopt a policy for handling persons
9 with Hepatitis who are in the custody of the department or under the
10 department's supervision.

11 (g) The department shall maintain the confidentiality of
12 test results of an inmate indicating Hepatitis at all times,
13 including after the inmate's discharge, release from a state jail,
14 or release on parole or mandatory supervision. The department may
15 not honor the request of an agency of the state or any person who
16 requests a test result as a condition of housing or supervising the
17 inmate while the inmate is on community supervision or parole or
18 mandatory supervision, unless honoring the request would improve
19 the ability of the inmate to obtain essential health and social
20 services.

21 (h) The department shall report to the legislature not later
22 than January 15 of each odd-numbered year concerning the
23 implementation of this section and the participation of inmates and
24 employees of the department in education programs established under
25 this section.

26 (i) The department may test an inmate confined in a facility
27 operated by the correctional institutions division for Hepatitis at

1 any time, but must test:

2 (1) during the diagnostic process, an inmate for whom
3 the department does not have a record of a positive test result; and

4 (2) an inmate who is eligible for release before the
5 inmate is released from the division.

6 (j) If the department determines that an inmate has a
7 positive test result, the department may segregate the inmate from
8 other inmates. The department shall report the results of a
9 positive test to the Department of State Health Services for the
10 purposes of notification and reporting.

11 SECTION 3. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2011.