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HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. _____

BY: Y. Davis

1 Amend S.B. No. 213 (House committee printing) by adding the
2 following appropriately numbered SECTIONS to the bill and
3 renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION _____. Section 501.054, Government Code, is amended
5 to read as follows:

6 Sec. 501.054. AIDS, ~~[AND]~~ HIV, AND HEPATITIS EDUCATION;
7 TESTING. (a) In this section:

8 (1) ~~[r]~~ "AIDS~~[r]~~" and "HIV~~[r]~~" ~~[and "test result"]~~
9 have the meanings assigned by Section 81.101, Health and Safety
10 Code.

11 (2) "Test result" means any statement that indicates
12 that an individual has or has not been tested for a particular
13 disease or condition. The term includes a test result described by
14 Section 81.101, Health and Safety Code.

15 (b) The department, in consultation with the ~~[Texas]~~
16 Department of State Health Services, shall establish education
17 programs to educate inmates and employees of the department about
18 AIDS, ~~[and]~~ HIV, and hepatitis. In establishing the programs for
19 inmates, the department shall design a program that deals with
20 issues related to AIDS, ~~[and]~~ HIV, and hepatitis that are relevant
21 to inmates while confined and a program that deals with issues
22 related to AIDS, ~~[and]~~ HIV, and hepatitis that will be relevant to
23 inmates after the inmates are released. The department shall design
24 the programs to take into account relevant cultural and other
25 differences among inmates. The department shall require each
26 inmate in a facility operated by the department to participate in
27 education programs established under this subsection.

28 (c) The department shall require each employee of the
29 department to participate in programs established under this

1 section at least once during each calendar year.

2 (d) The department shall ensure that education programs for
3 employees include information and training relating to infection
4 control procedures. The department shall also ensure that
5 employees have infection control supplies and equipment readily
6 available.

7 (e) The department, in consultation with the ~~[Texas]~~
8 Department of State Health Services, shall periodically revise
9 education programs established under this section so that the
10 programs reflect the latest medical information available on AIDS,
11 ~~[and]~~ HIV, and hepatitis.

12 (f) The department shall adopt a policy for handling persons
13 who have ~~[with]~~ AIDS or hepatitis or are infected with HIV and
14 ~~[infection who]~~ are in the custody of the department or under the
15 department's supervision. The policy for handling persons who have
16 AIDS or are infected with HIV must be substantially similar to a
17 model policy developed ~~[by the Texas Department of Health]~~ under
18 Subchapter G, Chapter 85, Health and Safety Code.

19 (g) The department shall maintain the confidentiality of
20 test results of an inmate indicating the presence of hepatitis or
21 HIV infection at all times, including after the inmate's discharge,
22 release from a state jail, or release on parole or mandatory
23 supervision. The department may not honor the request of an agency
24 of the state or any person who requests a test result as a condition
25 of housing or supervising the inmate while the inmate is on
26 community supervision or parole or mandatory supervision, unless
27 honoring the request would improve the ability of the inmate to
28 obtain essential health and social services.

29 (h) The department shall report to the legislature not later
30 than January 15 of each odd-numbered year concerning the
31 implementation of this section and the participation of inmates and

1 employees of the department in education programs established under
2 this section.

3 (i) The department may test an inmate confined in a facility
4 operated by the correctional institutions division for hepatitis or
5 HIV infection [~~human immunodeficiency virus~~] at any time, but must
6 test:

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

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

11 (j) If the department determines that an inmate has a
12 positive test result, the department may segregate the inmate from
13 other inmates. The department shall report the results of a
14 positive test to the Department of State Health Services for the
15 purposes of notification and reporting as described by Sections
16 81.050-81.052, Health and Safety Code.

17 SECTION _____. Section 507.023, Government Code, is amended
18 to read as follows:

19 Sec. 507.023. AIDS, [~~AND~~] HIV, AND HEPATITIS EDUCATION;
20 TESTING. (a) The department [~~state jail division~~] shall establish
21 and provide education programs to educate [~~state jail division~~]
22 employees at and defendants in state jail felony facilities about
23 AIDS, [~~and~~] HIV, and hepatitis in the same manner as the department
24 [~~institutional division~~] establishes and provides programs for
25 employees and inmates under Section 501.054.

26 (b) The department [~~state jail division~~] shall adopt a
27 policy for handling a defendant with AIDS, [~~or~~] HIV, or hepatitis
28 and shall test a defendant for AIDS, hepatitis, or HIV infection in
29 the same manner and subject to the same conditions as apply to an
30 inmate [~~the institutional division~~] under Section 501.054.

31 (c) In this section, "AIDS" and "HIV" have the meanings

1 assigned by Section 81.101, Health and Safety Code.

2 SECTION _____. The Texas Department of Criminal Justice
3 shall establish the programs, adopt the policies, and initiate the
4 testing procedures required by Sections 501.054 and 507.023,
5 Government Code, as amended by this Act, not later than January 1,
6 2014.