

By: Davis of Dallas

H.B. No. 2598

A BILL TO BE ENTITLED

AN ACT

relating to AIDS, HIV, and hepatitis education and testing for inmates, state jail defendants, and employees of the Texas Department of Criminal Justice.

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

SECTION 1. Section 501.054, Government Code, is amended to read as follows:

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

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

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

(b) The department, in consultation with the ~~[Texas]~~ Department of State Health Services, shall establish education programs to educate inmates and employees of the department about AIDS, ~~[and]~~ HIV, and hepatitis. In establishing the programs for inmates, the department shall design a program that deals with issues related to AIDS, ~~[and]~~ HIV, and hepatitis that are relevant to inmates while confined and a program that deals with issues related to AIDS, ~~[and]~~ HIV, and hepatitis that will be relevant to

1 inmates after the inmates are released. The department shall design
2 the programs to take into account relevant cultural and other
3 differences among inmates. The department shall require each
4 inmate in a facility operated by the department to participate in
5 education programs established under this subsection.

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

9 (d) The department shall ensure that education programs for
10 employees include information and training relating to infection
11 control procedures. The department shall also ensure that
12 employees have infection control supplies and equipment readily
13 available.

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

19 (f) The department shall adopt a policy for handling persons
20 who have ~~[with]~~ AIDS or hepatitis or are infected with HIV and
21 ~~[infection who]~~ are in the custody of the department or under the
22 department's supervision. The policy for handling persons who have
23 AIDS or are infected with HIV must be substantially similar to a
24 model policy developed ~~[by the Texas Department of Health]~~ under
25 Subchapter G, Chapter 85, Health and Safety Code.

26 (g) The department shall maintain the confidentiality of
27 test results of an inmate indicating the presence of AIDS,

1 hepatitis, or HIV infection at all times, including after the
2 inmate's discharge, release from a state jail, or release on parole
3 or mandatory supervision. The department may not honor the request
4 of an agency of the state or any person who requests a test result as
5 a condition of housing or supervising the inmate while the inmate is
6 on community supervision or parole or mandatory supervision, unless
7 honoring the request would improve the ability of the inmate to
8 obtain essential health and social services.

9 (h) The department shall report to the legislature not later
10 than January 15 of each odd-numbered year concerning the
11 implementation of this section and the participation of inmates and
12 employees of the department in education programs established under
13 this section.

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

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

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

22 (j) If the department determines that an inmate has a
23 positive test result, the department may segregate the inmate from
24 other inmates. The department shall report the results of a
25 positive test to the Department of State Health Services for the
26 purposes of notification and reporting as described by Sections
27 81.050-81.052, Health and Safety Code.

1 SECTION 2. Section 507.023, Government Code, is amended to
2 read as follows:

3 Sec. 507.023. AIDS, ~~[AND]~~ HIV, AND HEPATITIS EDUCATION;
4 TESTING. (a) The department ~~[state jail division]~~ shall establish
5 and provide education programs to educate ~~[state jail division]~~
6 employees at and defendants in state jail felony facilities about
7 AIDS, ~~[and]~~ HIV, and hepatitis in the same manner as the department
8 ~~[institutional division]~~ establishes and provides programs for
9 employees and inmates under Section 501.054.

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

15 (c) In this section, "AIDS" and "HIV" have the meanings
16 assigned by Section 81.101, Health and Safety Code.

17 SECTION 3. The Texas Department of Criminal Justice shall
18 establish the programs, adopt the policies, and initiate the
19 testing procedures required by Sections 501.054 and 507.023,
20 Government Code, as amended by this Act, not later than January 1,
21 2014.

22 SECTION 4. This Act takes effect September 1, 2013.