

By: Giddings

H.B. No. 2646

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the disclosure of information regarding communicable
3 diseases to first responders and certain entities.

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 (b), (c), and (f) and adding
7 Subsections (c-1), (c-2), and (g) to read as follows:

8 (b) Reports, records, and information relating to cases or
9 suspected cases of diseases or health conditions are not public
10 information under Chapter 552, Government Code, and may not be
11 released or made public on subpoena or otherwise except as provided
12 by Subsections (c), (c-1), (d), and (f).

13 (c) Medical or epidemiological information, including
14 information linking a person who is exposed to a person with a
15 communicable disease, may be released:

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

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

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

1 communicable diseases and health conditions or under another state
2 or federal law that expressly authorizes the disclosure of this
3 information;

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

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

14 (6) to governmental entities that provide first
15 responders who may respond to a situation involving a potential
16 communicable disease of concern and need the information to
17 properly respond to the situation; or

18 (7) to a local health department or health authority
19 for a designated monitoring period based on the potential risk for
20 developing symptoms of a communicable disease of concern.

21 (c-1) A local health department or health authority shall
22 provide to first responders the physical address of a person who is
23 being monitored by the local department or authority for a
24 communicable disease for the duration of the disease's incubation
25 period. The local health department, health authority, or other
26 governmental entity, as applicable, shall remove the person's
27 physical address from any computer-aided dispatch system after the

1 monitoring period expires.

2 (c-2) Only the minimum necessary information may be
3 released under Subsections (c)(6) and (7) and (c-1), as determined
4 by a health authority, local health department, governmental
5 entity, or department.

6 (f) Reports, records, and information relating to cases or
7 suspected cases of diseases or health conditions may be released to
8 the extent necessary during a public health disaster, including an
9 outbreak of a communicable disease, to law enforcement personnel
10 and first responders solely for the purpose of protecting the
11 health or life of a first responder or the person identified in the
12 report, record, or information. Only the minimum necessary
13 information may be released under this subsection, as determined by
14 the health authority, the local health department, or the
15 department.

16 (g) For purposes of this section, "first responder" has the
17 meaning assigned by Section 421.095, Government Code.

18 SECTION 2. This Act takes effect September 1, 2015.