

By: Anchia

H.B. No. 2006

A BILL TO BE ENTITLED

AN ACT

relating to required counseling regarding negative results of HIV tests.

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

SECTION 1. Subchapter F, Chapter 81, Health and Safety Code, is amended by adding Section 81.110 to read as follows:

Sec. 81.110. COUNSELING REQUIRED FOR NEGATIVE TEST RESULTS.

(a) If a health care provider, as defined by Section 161.201, determines that a person is at a high risk for contracting HIV infection, the provider may not reveal a negative test result to the person tested without giving that person the immediate opportunity for individual, face-to-face post-test counseling and written information from a readily available source, including the department and the federal Centers for Disease Control and Prevention, on:

(1) the limitations of HIV testing technology;

(2) the time required for verification of a test result;

(3) the possible need for additional testing; and

(4) measures to prevent the transmission of HIV, including pre-exposure and postexposure prophylaxis.

(b) Subsection (a) does not apply if:

(1) a report of a test result is used for statistical or research purposes only and any information that could identify

1 the person is removed from the report; or

2 (2) the test is conducted for the sole purpose of  
3 screening blood, blood products, bodily fluids, organs, or tissues  
4 to determine suitability for donation.

5 (c) A person who is injured by an intentional violation of  
6 this section may bring a civil action for damages and may recover  
7 for each violation from a person who violates this section:

8 (1) \$1,000 or actual damages, whichever is greater;

9 and

10 (2) reasonable attorney fees.

11 (d) This section does not prohibit the appropriate  
12 licensing authorities from conducting disciplinary proceedings for  
13 a health care provider's violation of this section.

14 SECTION 2. Section 81.110, Health and Safety Code, as added  
15 by this Act, applies only to an HIV test performed by a health care  
16 provider on or after January 1, 2018.

17 SECTION 3. This Act takes effect September 1, 2017.