

By: Perry

S.B. No. 859

A BILL TO BE ENTITLED

AN ACT

relating to the authority of a health care practitioner to disclose to law enforcement agencies and prosecutors a suspected human trafficking victim's health information.

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

SECTION 1. Chapter 161, Health and Safety Code, is amended by adding Subchapter E-1 to read as follows:

SUBCHAPTER E-1. AUTHORIZED DISCLOSURE OF HUMAN TRAFFICKING VICTIM INFORMATION

Sec. 161.051. DEFINITION. In this subchapter, "health care practitioner" means an individual who holds a license, certificate, permit, or other authorization issued under Title 3, Occupations Code, to engage in a health care profession.

Sec. 161.052. DISCLOSURE OF SUSPECTED HUMAN TRAFFICKING VICTIM. (a) A health care practitioner may disclose an individual's health information to any local, state, or federal law enforcement agency or prosecutor without the individual's consent if:

(1) the practitioner reasonably believes the individual is a victim of abuse as a result of conduct constituting an offense under Chapter 20A, Penal Code; and

(2) the practitioner, in the exercise of the practitioner's professional judgment, believes the disclosure is necessary to prevent serious harm to the individual or other

1 potential victims.

2       (b) An individual who in good faith discloses information  
3 under this section is not subject to civil or criminal liability for  
4 damages arising out of the disclosure.

5       (c) A law enforcement agency that receives information  
6 under Subsection (a) may submit that information to the attorney  
7 general, the Department of Public Safety of the State of Texas,  
8 another local, state, or federal law enforcement agency, or a  
9 local, state, or federal prosecutor as evidence of the commission  
10 of an offense. The agency or prosecutor may use the submitted  
11 information for the investigation and prosecution of an offense.

12       SECTION 2. This Act takes effect immediately if it receives  
13 a vote of two-thirds of all the members elected to each house, as  
14 provided by Section 39, Article III, Texas Constitution. If this  
15 Act does not receive the vote necessary for immediate effect, this  
16 Act takes effect September 1, 2019.