

BILL ANALYSIS

Senate Research Center

H.B. 50
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Health & Human Services
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Texas is experiencing a concerning rise in sexually transmitted diseases (STDs), including HIV. HIV poses a major public health threat, particularly when undiagnosed. Texas does not currently include HIV testing in routine STD screenings unless patients specifically request it. This opt-in model leads to delayed diagnoses, continued transmission, and missed opportunities for early intervention. As of 2021, an estimated 20,000 Texans were living with undiagnosed HIV, contributing to nearly 44 percent of new HIV transmissions annually.

HIV testing should become a standard part of routine STD screenings, with strong safeguards for patient consent and privacy. Making testing routine—while preserving an individual's right to opt out—would help identify cases earlier, reduce transmission rates, and connect patients with necessary care and support.

H.B. 50 establishes an opt-out HIV testing policy during routine STD screenings. Health care providers must inform patients that an HIV test will be included unless the patient declines. Providers must obtain consent in accordance with state law and provide resources to those who test positive. The bill requires the Health and Human Services Commission to adopt rules based on CDC guidance, ensures all testing complies with privacy laws like HIPAA, and allows phased implementation based on available funding. This shift from opt-in to opt-out testing will help normalize HIV screening, improve early detection, and enhance public health outcomes across Texas.

H.B. 50 amends current law relating to informed consent for certain screening tests.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 2 (Section 85.0815, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 85.002, Health and Safety Code, by adding Subdivision (4-a), to define "screening test."

SECTION 2. Amends Subchapter D, Chapter 85, Health and Safety Code, by adding Section 85.0815, as follows:

Sec. 85.0815. OPT-OUT TESTING IN MEDICAL SCREENINGS FOR SEXUALLY TRANSMITTED DISEASES. (a) Requires a health care provider who collects a sample of an individual's blood as part of a medical screening for a sexually transmitted disease to submit the sample for a screening test, unless the individual opts out of the screening test.

(b) Requires a health care provider, before collecting a sample of an individual's blood as part of a medical screening for a sexually transmitted disease, to obtain the individual's consent for a screening test in accordance with Sections 81.105 (Informed Consent) and 81.106 (General Consent) and inform the individual that

the screening test will be performed unless the individual opts out of the screening test.

(c) Requires the health care provider who submitted the individual's blood for the test, if an individual receives a positive test result for a screening test conducted under Subsection (a), to provide information on available and applicable health care, education, prevention, and social support services to the individual.

(d) Requires the executive commissioner of the Health and Human Services Commission (executive commissioner; HHSC) to adopt rules to implement this section. Requires the executive commissioner, in adopting rules, to consider the most recent recommendations of the Centers for Disease Control and Prevention for testing of adults and adolescents using a screening test.

SECTION 3. (a) Requires the executive commissioner, not later than January 1, 2026, to adopt the rules required by Section 85.0815, Health and Safety Code, as added by this Act.

(b) Provides that, notwithstanding Section 85.0815, Health and Safety Code, as added by this Act, a health care provider is not required to comply with that section until January 1, 2026.

SECTION 4. (a) Provides that, notwithstanding any other section of this Act, in a state fiscal year, HHSC is not required to implement a mandatory provision in another section of this Act imposing a duty on HHSC to take an action unless money is specifically appropriated to HHSC for that fiscal year to carry out that duty. Authorizes HHSC to implement the provision in that fiscal year to the extent other funding is available to HHSC for the implementation.

(b) Provides that, if, as authorized by Subsection (a) of this section, HHSC does not implement the mandatory provision in a state fiscal year, HHSC, in HHSC's legislative budget request for the next state fiscal biennium, is required to certify that fact to the Legislative Budget Board and include a written estimate of the costs of implementing the provision in each year of that next state fiscal biennium.

(c) Provides that this section expires and any duty suspended by Subsection (a) of this section becomes mandatory on September 1, 2029.

SECTION 5. Effective date: September 1, 2025.