

BILL ANALYSIS

H.B. 50
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Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Department of State Health Services (DSHS) has documented a rise in cases of sexually transmitted diseases (STDs) in Texas, including chlamydia, gonorrhea, syphilis, and HIV. The bill author has informed the committee that a significant issue contributing to this trend is the current practice regarding HIV screening, as standard STD screenings in Texas currently do not include HIV testing unless requested by the patient. According to the DSHS 2021 Texas HIV Program Annual Report, approximately 20,000 Texans are living with undiagnosed HIV, and these individuals account for an estimated 44 percent of annual HIV transmissions. The report further notes that this lack of awareness can lead to years of undiagnosed infection, increasing both the risk of transmission and delays in vital treatment. H.B. 50 seeks to provide for early HIV detection by requiring a health care provider, as part of a person's medical screening for an STD, to submit the person's blood sample for a screening test for HIV or AIDS unless the person opts out.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 2 of this bill.

ANALYSIS

H.B. 50 amends the Health and Safety Code to require 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, defined by the bill as a rapid analytical laboratory or other procedure to determine the need for further diagnostic evaluation relating to HIV or AIDS, unless the individual opts out of the test. The bill 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 that screening test and inform the individual that the test will be performed unless the individual opts out of the test. The bill requires the health care provider who submitted an individual's blood for the screening test to provide information on available and applicable health care, education, prevention, and social support services to an individual who receives a positive test result.

H.B. 50 requires the executive commissioner of the Health and Human Services Commission (HHSC) to adopt rules to implement the bill's provisions not later than January 1, 2026, and, in adopting rules, to consider the most recent recommendations of the CDC for testing of adults and adolescents using a screening test described by the bill's provisions. The bill expressly does not require a health care provider to comply with the bill's provisions until January 1, 2026.

H.B. 50 establishes that, in a state fiscal year, HHSC is not required to implement a mandatory provision in another provision of the bill 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. The bill authorizes HHSC to implement the provision in that fiscal year to the extent other funding is available to HHSC for the implementation. The bill requires HHSC, if it does not implement the mandatory provision in a state fiscal year, to certify that fact to the Legislative Budget Board in HHSC's legislative budget request for the next state fiscal biennium and include a written estimate of the costs of implementing the provision in each year of the next state fiscal biennium. These implementation provisions expire and any duty suspended by these provisions becomes mandatory on September 1, 2029.

EFFECTIVE DATE

September 1, 2025.