

By: Jones of Dallas

H.B. No. 4147

A BILL TO BE ENTITLED

AN ACT

relating to informed consent for certain screening tests.

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

SECTION 1. Section 85.002, Health and Safety Code, is amended by adding Subdivision (4-a) to read as follows:

(4-a) "Screening test" means a rapid analytical laboratory or other procedure to determine the need for further diagnostic evaluation relating to an infection described by Subdivision (1) or (4).

SECTION 2. Subchapter D, Chapter 85, Health and Safety Code, is amended by adding Section 85.0815 to read as follows:

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

(b) Before collecting a sample of an individual's blood as part of a medical screening for a sexually transmitted disease, a health care provider must obtain the individual's consent for a screening test and inform the individual that the screening test will be performed unless the individual opts out of the screening test.

(c) If an individual receives a positive test result for a

1 screening test conducted under Subsection (a), the health care
2 provider who submitted the individual's blood for the test must
3 provide information on available and applicable health care,
4 education, prevention, and social support services to the
5 individual.

6 (d) The executive commissioner shall adopt rules to
7 implement this section. In adopting rules, the executive
8 commissioner must consider the most recent recommendations of the
9 Centers for Disease Control and Prevention for testing of adults
10 and adolescents using a screening test.

11 SECTION 3. (a) The executive commissioner of the Health and
12 Human Services Commission shall adopt the rules required by Section
13 85.0815, Health and Safety Code, as added by this Act, not later
14 than January 1, 2026.

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

18 SECTION 4. (a) Notwithstanding any other section of this
19 Act, in a state fiscal year, the Health and Human Services
20 Commission is not required to implement a mandatory provision in
21 another section of this Act imposing a duty on the commission to
22 take an action unless money is specifically appropriated to the
23 commission for that fiscal year to carry out that duty. The
24 commission may implement the provision in that fiscal year to the
25 extent other funding is available to the commission for the
26 implementation.

27 (b) If, as authorized by Subsection (a) of this section, the

1 Health and Human Services Commission does not implement the
2 mandatory provision in a state fiscal year, the commission, in the
3 commission's legislative budget request for the next state fiscal
4 biennium, shall certify that fact to the Legislative Budget Board
5 and include a written estimate of the costs of implementing the
6 provision in each year of that next state fiscal biennium.

7 (c) This section expires and any duty suspended by
8 Subsection (a) of this section becomes mandatory on September 1,
9 2029.

10 SECTION 5. This Act takes effect September 1, 2025.