

## **BILL ANALYSIS**

C.S.H.B. 3576  
By: Guerra  
Public Health  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties contend that proper surveillance of an emerging high consequence communicable disease like the Zika virus enables local, state, and federal authorities to effectively plan and support clinical interventions. C.S.H.B. 3576 seeks to ensure the state can assist in this surveillance and better protect the public's health by providing for the release of certain information to the federal government relating to a person in Texas who has or is suspected of having a potential health condition resulting from exposure to such a disease.

### **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 this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 3576 amends the Health and Safety Code to authorize specified medical or epidemiological identifying information relating to a person who has or is suspected of having a present or potential health condition resulting from exposure to a high consequence communicable disease, such as the Zika virus, to be released to an appropriate federal agency. The bill requires the Department of State Health Services (DSHS) to investigate the effects of communicable disease and includes determining potential effects on the health of individuals among the purposes for which DSHS may investigate the existence of communicable disease in Texas.

### **EFFECTIVE DATE**

September 1, 2017.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 3576 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

#### **INTRODUCED**

SECTION 1. Section 81.046(c), Health and Safety Code, as amended by Chapter 789

#### **HOUSE COMMITTEE SUBSTITUTE**

SECTION 1. Section 81.046(c), Health and Safety Code, as amended by Chapters 789

85R 26264

17.119.219

Substitute Document Number: 85R 22941

(H.B. 2646), Acts of the 84th Legislature, Regular Session, 2015, and Chapter 1278 (S.B. 1574), Acts of the 84th Legislature, Regular Session, 2015, is reenacted and amended to read as follows:

(c) Medical or epidemiological information, including information linking a person who is exposed to a person with a communicable disease, may be released:

(1) for statistical purposes if released in a manner that prevents the identification of any person;

(2) with the consent of each person identified in the information;

(3) to medical personnel treating the individual, appropriate state agencies in this state or another state, a health authority or local health department in this state or another state, or federal, county, or district courts to comply with this chapter and related rules relating to the control and treatment of communicable diseases and health conditions or under another state or federal law that expressly authorizes the disclosure of this information;

(4) to appropriate federal agencies, such as the Centers for Disease Control and Prevention of the United States Public Health Service, but, except as provided under Subsection (c-3), the information must be limited to the name, address, sex, race, and occupation of the patient, the date of disease onset, the probable source of infection, and other requested information relating to the case or suspected case of a communicable disease or health condition;

(5) to medical personnel to the extent necessary in a medical emergency to protect the health or life of the person identified in the information;

(6) to governmental entities that provide first responders who may respond to a situation involving a potential communicable disease of concern and need the information to properly respond to the situation; or

(7) to a local health department or health authority for a designated monitoring period based on the potential risk for developing symptoms of a communicable disease of concern.

SECTION 2. Section 81.046, Health and Safety Code, is amended by adding Subsection (c-3) to read as follows:

(H.B. 2646) and 1278 (S.B. 1574), Acts of the 84th Legislature, Regular Session, 2015, is reenacted and amended to read as follows:

(c) Medical or epidemiological information, including information linking a person who is exposed to a person with a communicable disease, may be released:

(1) for statistical purposes if released in a manner that prevents the identification of any person;

(2) with the consent of each person identified in the information;

(3) to medical personnel treating the individual, appropriate state agencies in this state or another state, a health authority or local health department in this state or another state, or federal, county, or district courts to comply with this chapter and related rules relating to the control and treatment of communicable diseases and health conditions or under another state or federal law that expressly authorizes the disclosure of this information;

(4) to appropriate federal agencies, such as the Centers for Disease Control and Prevention ~~[of the United States Public Health Service]~~, but, except as provided under Subsection (c-3), the information must be limited to the name, address, sex, race, and occupation of the patient, the date of disease onset, the probable source of infection, and other requested information relating to the case or suspected case of a communicable disease or health condition;

(5) to medical personnel to the extent necessary in a medical emergency to protect the health or life of the person identified in the information; ~~[or]~~

(6) to a designated infection control officer;

~~(7) [or]~~ to governmental entities that provide first responders who may respond to a situation involving a potential communicable disease of concern and need the information to properly respond to the situation; or

(8) [or] to a local health department or health authority for a designated monitoring period based on the potential risk for developing symptoms of a communicable disease of concern.

SECTION 2. Section 81.046, Health and Safety Code, is amended by adding Subsection (c-3) to read as follows:

(c-3) The following medical or epidemiological information relating to a patient or an individual who has or is suspected of having a present or potential health condition resulting from exposure to a high consequence communicable disease, such as the Zika virus, may be released to an appropriate federal agency that requests the information for the purpose of creating a multistate registry of cases of the communicable disease:

(1) the name, address, sex, race, and occupation of the patient or individual;

(2) the date of the onset of the health condition onset, as applicable;

(3) the probable source of infection or exposure; and

(4) other requested information relating to the case or suspected case of the infection.

SECTION 3. Sections 81.061(a) and (c), Health and Safety Code, are amended.

No equivalent provision.

SECTION 4. This Act takes effect September 1, 2017.

(c-3) The following medical or epidemiological information relating to a person who has or is suspected of having a present or potential health condition resulting from exposure to a high consequence communicable disease, such as the Zika virus, may be released to an appropriate federal agency:

(1) the name, address, sex, race, and occupation of the person;

(2) the date of the onset of the health condition;

(3) the probable source of infection or exposure; and

(4) other requested information relating to the case or suspected case of the infection.

SECTION 3. Same as introduced version.

SECTION 4. To the extent of any conflict, this Act prevails over another Act of the 85th Legislature, Regular Session, 2017, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 5. Same as introduced version.