

BILL ANALYSIS

Senate Research Center

S.B. 567
By: Moncrief
Health Services
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As Filed

DIGEST

According to the AIDS outreach center, there has been an increase in cases where confidentiality has been breached, regarding HIV results. The Texas Department of Health (TDH) recently switched to a name based identifier system effective January 1, 1999. However, no lawsuits resulting from the breaches of confidentiality have been documented; due in part to the low civil penalty offered for these types of cases. S.B. 567 would increase the civil penalty amount from \$1,000-\$5,000 to \$5,000-\$10,000.

PURPOSE

As proposed, S.B. 567 increases the civil penalty for disclosing a person's HIV status.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 81.104(b) and (c), Health and Safety Code, to provide that a person who violates Section 81.102 or who is found in a civil action to have negligently released or disclosed a test result or allowed a test result to become known in violation of Section 81.103 is liable for a civil penalty of not more than \$5,000, rather than \$1,000. Provides that a person who is found in a civil action to have wilfully released or disclosed a test result or allowed a test result to become known in violation of Section 81.103 is liable for a civil penalty of no less than \$5,000, rather than \$1,000, but no more than \$10,000, rather than \$5,000.

SECTION 2. Effective date: September 1, 1999.

Makes application of this Act prospective.

SECTION 3. Emergency clause.