

SUBJECT: Partner notification for HIV without consent

COMMITTEE: Public Health — favorable, without amendment

VOTE: 9 ayes — Berlanga, Hirschi, Coleman, Delisi, Glaze, Janek, Maxey,  
McDonald, Rodriguez

0 nays

WITNESSES: For — Brenda E. Sanders

Against — None

On — Casey Blass, Texas Department of Health

BACKGROUND: The partner notification program for Human Immunodeficiency Virus (HIV) infection was established in 1989 when the 71st Legislature enacted SB 959 by Brooks, the Human Immunodeficiency Act. The program was established to alert sex- and needle-sharing partners of persons infected with HIV, the virus that causes acquired immune deficiency syndrome (AIDS), to their potential risk of HIV infection. Partner notification services are available to all persons who have tested HIV positive.

If an HIV positive person volunteers the names of partners, the health department notifies those persons, without disclosing the name of the HIV positive person who disclosed their name. Partner names can only be used for field investigation and notification. The department's current policy is that once the name of a partner is voluntarily disclosed, the named partner is notified even if the name-giver withdraws consent for notification.

The department informs the person who has been named as a partner about how HIV infection is transmitted and prevented, locations and addresses of HIV testing sites and local HIV support groups, mental health services and medical facilities.

DIGEST: HB 1491 would amend Health and Safety Code sec. 81.051 to require that the HIV partner notification program notify the partner of a person with HIV regardless of whether the HIV positive person consented to the

notification. The bill would take immediate effect if approved by two-thirds of the members of each house.

**SUPPORTERS  
SAY:**

HB 1491 would merely would put into law existing health department policy. Partner notification is extremely important in fighting AIDS. It is essential that the partner of an HIV positive person knows he or she may be at risk. Otherwise, they may unknowingly infect other people, including their unborn children. Partner notification also helps parties who have not yet been infected to change their behavior so they are no longer at risk for AIDS.

This bill would clarify an important state policy that is an essential component of the state's effort to try and stop the spread of the deadly AIDS epidemic.

**OPPONENTS  
SAY:**

No apparent opposition