

AMENDED IN SENATE APRIL 24, 2025

AMENDED IN SENATE APRIL 10, 2025

AMENDED IN SENATE MARCH 27, 2025

SENATE BILL

No. 504

Introduced by Senator Laird

(Coauthors: Senators Cabaldon, Cervantes, Padilla, Pérez, and Wiener)

(Coauthors: Assembly Members Jackson, Solache, and Ward)

February 19, 2025

An act to amend ~~Section 121025~~ *Sections 120962 and 121025* of the Health and Safety Code, *and to amend Section 15912.1 of the Welfare and Institutions Code*, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

SB 504, as amended, Laird. Communicable diseases: HIV reporting.

Existing law requires all health care providers and laboratories to report cases of human immunodeficiency virus (HIV) infection to the local health officer and requires the local health officer to report unduplicated HIV cases to the State Department of Public Health. Existing law requires public health records related to HIV or acquired immunodeficiency syndrome (AIDS), containing personally identifying information, that were developed or acquired by a state or local public health agency, or an agent of that agency, to be confidential and not disclosed, except as otherwise provided by law for public health purposes or pursuant to a written authorization by the person who is the subject of the record or by their guardian or conservator. Existing law authorizes certain state or local public health officials to disclose those records to other local, state, or federal public health agencies or

to medical researchers when the confidential information is necessary to carry out specified duties of the agency or researcher, including in the investigation, control, or surveillance of disease.

This bill would additionally authorize a health care provider of a patient with an HIV infection that has already been reported to a local health officer as described above to communicate with a local health officer or the department to provide additional information required by law or public health guidelines in order to complete or supplement an HIV case report. The bill would prohibit a provider from disclosing personally identifying confidential information about a patient to a local health jurisdiction or the department unless the disclosure is necessary for the jurisdiction or the department to carry out specified duties. *The bill would make conforming changes to related provisions.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 120962 of the Health and Safety Code is
2 amended to read:
3 120962. (a) (1) For the purpose of verifying financial
4 eligibility pursuant to Section 120960 and the federal Ryan White
5 HIV/AIDS Treatment Extension Act of 2009 (42 U.S.C. Sec. 201
6 et seq.), the department shall verify the accuracy of the modified
7 adjusted gross income reported on an AIDS Drug Assistance
8 Program application submitted by an applicant or recipient with
9 data, if available, from the Franchise Tax Board.
10 (2) Notwithstanding any other law, the department shall disclose
11 the name and individual taxpayer identification number (ITIN) or
12 social security number of an applicant for, or recipient of, services
13 under this chapter to the Franchise Tax Board for the purpose of
14 verifying the modified adjusted gross income of, any tax-exempt
15 interest received by, any tax-exempt social security benefits
16 received by, and any foreign earned income of an applicant or
17 recipient pursuant to subdivision (b) of Section 120960.
18 (b) (1) The Franchise Tax Board, upon receipt of this
19 information, shall inform the department of all of the following:
20 (A) The amount of the federal adjusted gross income received
21 by the taxpayer household as reported by the taxpayer to the
22 Franchise Tax Board.

1 (B) The amount of the California adjusted gross income received
2 by the taxpayer household as reported by the taxpayer to the
3 Franchise Tax Board or as adjusted by the Franchise Tax Board.

4 (C) The amount of any tax-exempt interest received by the
5 taxpayer household, as reported to the Franchise Tax Board.

6 (D) The amount of any tax-exempt social security benefits
7 received by the taxpayer household, as reported to the Franchise
8 Tax Board.

9 (E) The amount of any foreign earned income of the taxpayer
10 household, as reported to the Franchise Tax Board.

11 (F) The family size of the taxpayer household, as reported to
12 the Franchise Tax Board.

13 (2) The Franchise Tax Board shall provide the information to
14 the department for the most recent taxable year that the Franchise
15 Tax Board has information available, and shall include the first
16 and last name, date of birth, and the ITIN or social security number
17 of the taxpayer.

18 (c) (1) Information provided by the department pursuant to this
19 section shall constitute confidential public health records as defined
20 in Section 121035, and shall remain subject to the confidentiality
21 protections and restrictions on further disclosure by the recipient
22 under subdivisions ~~(d) and (e)~~ *(e) and (f)* of Section 121025.

23 (2) To the extent possible, verification of financial eligibility
24 shall be done in a way to eliminate or minimize, by use of computer
25 programs or other electronic means, Franchise Tax Board staff
26 and contractors' access to confidential public health records.

27 (3) Prior to accessing confidential HIV-related public health
28 records, Franchise Tax Board staff and contractors shall be required
29 to annually sign a confidentiality agreement developed by the
30 department that includes information related to the penalties under
31 Section 121025 for a breach of confidentiality and the procedures
32 for reporting a breach of confidentiality under subdivision (h) of
33 Section 121022. Those agreements shall be reviewed annually by
34 the department.

35 (4) The Franchise Tax Board shall return or destroy all
36 information received from the department after completing the
37 exchange of information.

38 (d) For purposes of this section, "foreign earned income" also
39 includes any deduction taken for the housing expenses of an

1 individual while living abroad pursuant to Section 911 of Title 26
2 of the Internal Revenue Code.

3 (e) For purposes of this section, “household” means the applicant
4 or recipient, and, in addition, the applicant’s or recipient’s spouse
5 or registered domestic partner, and all other individuals for whom
6 the applicant or recipient, or the applicant’s or recipient’s spouse
7 or registered domestic partner, is allowed a federal income tax
8 deduction for the taxable year.

9 (f) For purposes of this section, “family size” has the meaning
10 given to that term in Section 36B(d)(1) of Title 26 of the Internal
11 Revenue Code, and includes same or opposite sex married couples,
12 registered domestic partners, and any dependent, as defined by
13 Section 152 of Title 26 of the Internal Revenue Code, of either
14 spouse or registered domestic partner.

15 **SECTION 1.**

16 *SEC. 2.* Section 121025 of the Health and Safety Code is
17 amended to read:

18 121025. (a) Public health records relating to human
19 immunodeficiency virus (HIV) or acquired immunodeficiency
20 syndrome (AIDS) that contain personally identifying information
21 and were developed or acquired by a state or local public health
22 agency, or an agent of that agency, are confidential and shall not
23 be disclosed, except as otherwise provided by law for public health
24 purposes or pursuant to a written authorization by the person who
25 is the subject of the record or by the person’s guardian or
26 conservator.

27 (b) A state or local public health agency, or an agent of that
28 agency, may disclose personally identifying information in public
29 health records, as described in subdivision (a), to other local, state,
30 or federal public health agencies including, but not limited to, the
31 federal Centers for Disease Control and Prevention (CDC), or to
32 collaborating researchers, when the confidential information is
33 necessary to carry out the duties of the agency or researcher in the
34 investigation, control, or surveillance of disease, or the coordination
35 of, linkage to, or reengagement in care for a person or persons, as
36 determined by the state or local public health agency.

37 (c) (1) A health care provider of a patient diagnosed with an
38 HIV infection that has already been reported pursuant to Section
39 121022 may disclose personally identifying confidential
40 information to a local health officer or the department to provide

1 additional information required by law or public health guidelines
2 in order to complete or supplement the HIV case report described
3 in Section 121022.

4 (2) A *health care* provider shall not disclose personally
5 identifying confidential information about a patient to a local health
6 jurisdiction or the department unless the disclosure is necessary
7 for the *local health* jurisdiction or the department to carry out its
8 duties in the investigation, control, or surveillance of disease, or
9 the coordination of, linkage to, or reengagement in care for a
10 person, as determined by the health care provider, the *local health*
11 jurisdiction, or the department.

12 (d) Any disclosures authorized by subdivision (a), (b), (c), or
13 this subdivision shall include only the information necessary for
14 the purpose of that disclosure and shall be made only upon the
15 agreement that the information will be kept confidential as
16 described in subdivision (a). Any unauthorized further disclosure
17 shall be subject to the penalties described in subdivision (f).

18 (1) Notwithstanding any other law, the state or local public
19 health agency staff may further disclose the information to a health
20 care provider who provides care to the HIV-positive person who
21 is the subject of the record for the purpose of assisting in
22 compliance with subdivision (a) of Section 121022.

23 (2) Notwithstanding any other law, the following disclosures
24 are authorized for the purpose of facilitating appropriate HIV/AIDS
25 medical care and treatment:

26 (A) State public health agency HIV surveillance staff, HIV
27 prevention staff, AIDS Drug Assistance Program staff, and care
28 services staff may further disclose the information to local public
29 health agency staff, who may further disclose the information to
30 the HIV-positive person who is the subject of the record, or a health
31 care provider who provides the person's care, for the purpose of
32 proactively offering and coordinating care and treatment services
33 to the HIV-positive person.

34 (B) HIV surveillance staff, HIV prevention staff, AIDS Drug
35 Assistance Program staff, and care services staff in the State
36 Department of Public Health may further disclose the information
37 directly to the HIV-positive person who is the subject of the record
38 or the health care provider who provides their HIV care, for the
39 purpose of proactively offering and coordinating care and treatment
40 services to them.

1 (C) Local public health agency staff may further disclose
2 acquired or developed information to the HIV-positive person who
3 is the subject of the record or the health care provider who provides
4 their HIV care for the purpose of proactively offering and
5 coordinating care and treatment services to them.

6 (3) Notwithstanding any other law, for the purpose of facilitating
7 appropriate case management or care coordination or delivery of
8 medical care and treatment of persons coinfectd with HIV and
9 tuberculosis, syphilis, gonorrhea, chlamydia, hepatitis B, hepatitis
10 C, meningococcal infection, or other reportable diseases under
11 Section 2500 or Section 2505 of Title 17 of the California Code
12 of Regulations, state or local public health agency staff may further
13 disclose the information to other state or local public health agency
14 staff, the HIV-positive person who is the subject of the record, or
15 the HIV-positive person's health care provider.

16 (4) For the purposes of paragraphs (2) and (3), "staff" does not
17 include nongovernmental entities, but shall include state and local
18 contracted employees who work within state and local public health
19 departments.

20 (e) A confidential public health record, as defined in subdivision
21 (c) of Section 121035, shall not be disclosed, discoverable, or
22 compelled to be produced in any civil, criminal, administrative,
23 or other proceeding.

24 (f) (1) A person who negligently discloses the content of a
25 confidential public health record, as defined in subdivision (c) of
26 Section 121035, to a third party, except pursuant to a written
27 authorization, as described in subdivision (a), or as otherwise
28 authorized by law, shall be subject to a civil penalty in an amount
29 not to exceed five thousand dollars (\$5,000), plus court costs, as
30 determined by the court. The penalty and costs shall be paid to the
31 person whose record was disclosed.

32 (2) A person who willfully or maliciously discloses the content
33 of any confidential public health record, as defined in subdivision
34 (c) of Section 121035, to a third party, except pursuant to a written
35 authorization, or as otherwise authorized by law, shall be subject
36 to a civil penalty in an amount not less than five thousand dollars
37 (\$5,000) and not more than twenty-five thousand dollars (\$25,000),
38 plus court costs, as determined by the court. The penalty and costs
39 shall be paid to the person whose confidential public health record
40 was disclosed.

1 (3) A person who willfully, maliciously, or negligently discloses
2 the content of a confidential public health record, as defined in
3 subdivision (c) of Section 121035, to a third party, except pursuant
4 to a written authorization, or as otherwise authorized by law, that
5 results in economic, bodily, or psychological harm to the person
6 whose confidential public health record was disclosed, is guilty
7 of a misdemeanor, punishable by imprisonment in a county jail
8 for a period not to exceed one year, or a fine not to exceed
9 twenty-five thousand dollars (\$25,000), or both, plus court costs,
10 as determined by the court. The penalty and costs shall be paid to
11 the person whose confidential public health record was disclosed.

12 (4) A person who commits an act described in paragraph (1),
13 (2), or (3) is liable to the person whose confidential public health
14 record was disclosed for all actual damages for economic, bodily,
15 or psychological harm that is a proximate result of the act.

16 (5) Each violation of this section is a separate and actionable
17 offense.

18 (6) This section does not limit or expand the right of an injured
19 person whose confidential public health record was disclosed to
20 recover damages under any other applicable law.

21 (g) If a confidential public health record, as defined in
22 subdivision (c) of Section 121035, is disclosed, the information
23 shall not be used to determine employability or insurability of a
24 person.

25 *SEC. 3. Section 15912.1 of the Welfare and Institutions Code*
26 *is amended to read:*

27 15912.1. (a) The department, in collaboration with the State
28 Department of Public Health, shall develop policies and guidance
29 on the transition of persons diagnosed with HIV/AIDS from federal
30 Ryan White HIV/AIDS Treatment Extension Act of 2009 (Ryan
31 White Act) funded programs, pursuant to Section 131019 of the
32 Health and Safety Code, to the Low Income Health Program
33 (LIHP) pursuant to this part. These policies and guidance shall be
34 provided to local LIHPs, federal Ryan White Act providers, and
35 to persons receiving services pursuant to the federal Ryan White
36 Act, as applicable. Guidance shall include, but not be limited to,
37 operational processes and procedures supporting the transition of
38 persons receiving services pursuant to the federal Ryan White Act
39 in order to minimize disruption of access to and availability of
40 care and services.

(b) The department, in collaboration with the State Department of Public Health, shall consult with stakeholders, including administrators, advocates, providers, and persons receiving services pursuant to the federal Ryan White Act, to obtain advice in forming the policy decisions regarding the transition of persons receiving services pursuant to the federal Ryan White Act to the local LIHPs.

(c) Notwithstanding any other law, for the purpose of implementing LIHP, pursuant to this part, the State Department of Public Health may share relevant data related to a beneficiary's enrollment in federal Ryan White Act funded programs who may be eligible for LIHP services with the participating entity, as defined in Section 15909.1, operating a LIHP, and the participating entity may share relevant data relating to persons diagnosed with HIV/AIDS with the State Department of Public Health.

(1) The information provided by the State Department of Public Health pursuant to this section shall not be further disclosed by a participating entity, as defined in Section 15909.1, operating a LIHP, except to any of the following:

(A) The person to whom the information pertains or the designated representative of the person.

(B) The health care provider that provides HIV/AIDS care to the person to whom the information pertains.

(C) The Office of AIDS within the State Department of Public Health.

(2) Information shared pursuant to this section is subject to the confidentiality protections of subdivisions ~~(d) and (e)~~ (e) and (f) of Section 121025 of the Health and Safety Code.