

Introduced by Senator Laird

February 19, 2025

An act to amend Section 121025 of the Health and Safety 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 ~~for specified purposes, including to obtain~~

~~public health recommendations on care and treatment or to refer the patient to services provided by 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.

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 121025 of the Health and Safety Code
2 is amended to read:
3 121025. (a) Public health records relating to human
4 immunodeficiency virus (HIV) or acquired immunodeficiency
5 syndrome (AIDS), containing personally identifying information,
6 that were developed or acquired by a state or local public health
7 agency, or an agent of that agency, are confidential and shall not
8 be disclosed, except as otherwise provided by law for public health
9 purposes or pursuant to a written authorization by the person who
10 is the subject of the record or by the person's guardian or
11 conservator.
12 (b) A state or local public health agency, or an agent of that
13 agency, may disclose personally identifying information in public
14 health records, as described in subdivision (a), to other local, state,
15 or federal public health agencies including, but not limited to, the
16 federal Centers for Disease Control and Prevention (CDC), or to
17 collaborating researchers, when the confidential information is
18 necessary to carry out the duties of the agency or researcher in the
19 investigation, control, or surveillance of disease, or the coordination
20 of, linkage to, or reengagement in care for a person or persons, as
21 determined by the state or local public health agency.
22 (c) (1) A health care provider of a patient diagnosed with an
23 HIV infection that has already been reported pursuant to Section
24 121022 ~~may communicate with~~ *disclose personally identifying*
25 *confidential information to* a local health officer or the department
26 ~~about that patient for public health purposes, including any of the~~
27 ~~following:~~ *to provide additional information required by law or*

1 *public health guidelines in order to complete or supplement the*
2 *HIV case report described in Section 121022.*

3 ~~(A) To provide additional information required by law or public~~
4 ~~health guidelines in order to complete or supplement the HIV case~~
5 ~~report described in Section 121022.~~

6 ~~(B) To obtain public health recommendations on care and~~
7 ~~treatment.~~

8 ~~(C) To refer the patient to clinical or preventive services~~
9 ~~provided by the department, including, but not limited to, HIV~~
10 ~~education and counseling, voluntary partner services, or assistance~~
11 ~~with the HIV care continuum in order to help achieve a better~~
12 ~~clinical outcome or the prevention of new HIV infections.~~

13 ~~(D) To request information or assistance with a referral for~~
14 ~~specialty care or other clinical services, treatment of mental health~~
15 ~~or substance misuse, housing assistance, social services, nutrition~~
16 ~~assistance, or other coordination of care and treatment.~~

17 ~~(E) To request assistance with reengagement or relinkage to~~
18 ~~care.~~

19 ~~(F) To inform a local health jurisdiction or the department of~~
20 ~~the provider's inability to continue to provide care for a patient~~
21 ~~due to a closure or suspension of the provider's practice.~~

22 (2) A provider shall not disclose personally identifying
23 confidential information about a patient to a local health
24 jurisdiction or the department unless the disclosure is necessary
25 for the jurisdiction or the department to carry out its duties in the
26 investigation, control, or surveillance of disease, or the coordination
27 of, linkage to, or reengagement in care for a person, as determined
28 by ~~the jurisdiction~~ *the health care provider, the jurisdiction*, or the
29 department.

30 (d) Any disclosures authorized by subdivision (a), (b), (c), or
31 this subdivision shall include only the information necessary for
32 the purpose of that disclosure and shall be made only upon the
33 agreement that the information will be kept confidential as
34 described in subdivision (a). Any unauthorized further disclosure
35 shall be subject to the penalties described in subdivision (f).

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

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

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

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

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

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

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

(e) A confidential public health record, as defined in subdivision (c) of Section 121035, shall not be disclosed, discoverable, or

1 compelled to be produced in any civil, criminal, administrative,
2 or other proceeding.

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

11 (2) A person who willfully or maliciously discloses the content
12 of any confidential public health record, as defined in subdivision
13 (c) of Section 121035, to a third party, except pursuant to a written
14 authorization, or as otherwise authorized by law, shall be subject
15 to a civil penalty in an amount not less than five thousand dollars
16 (\$5,000) and not more than twenty-five thousand dollars (\$25,000),
17 plus court costs, as determined by the court. The penalty and costs
18 shall be paid to the person whose confidential public health record
19 was disclosed.

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

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

35 (5) Each violation of this section is a separate and actionable
36 offense.

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

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

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