

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 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 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~~ (AIDS) that contain personally
6 identifying information, that information and were developed or
7 acquired by a state or local public health agency, or an agent of
8 that agency, are confidential and shall not be disclosed, except as
9 otherwise provided by law for public health purposes or pursuant
10 to a written authorization by the person who is the subject of the
11 record or by the person's guardian or 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 disclose personally identifying confidential
25 information to a local health officer or the department to provide
26 additional information required by law or public health guidelines

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

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

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

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

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

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

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

39 (C) Local public health agency staff may further disclose
40 acquired or developed information to the HIV-positive person who

1 is the subject of the record or the health care provider who provides
2 their HIV care for the purpose of proactively offering and
3 coordinating care and treatment services to them.

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

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

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

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

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

39 (3) A person who willfully, maliciously, or negligently discloses
40 the content of a confidential public health record, as defined in

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

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

14 (5) Each violation of this section is a separate and actionable
15 offense.

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

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