

**ASSEMBLY BILL**

**No. 1676**

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**Introduced by Assembly Member Dutra**

February 21, 2003

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An act to amend Section 121015 of the Health and Safety Code, relating to AIDS.

LEGISLATIVE COUNSEL'S DIGEST

AB 1676, as introduced, Dutra. AIDS: disclosure.

Existing law permits the county health officer to alert any persons reasonably believed to be a spouse, sexual partner, or partner of shared needles of an individual who has tested positive on a test to detect infection by the probable causative agent of acquired immune deficiency syndrome (AIDS) about his or her exposure. Existing law requires the county health officer to refer any person to whom a disclosure is made pursuant to this provision for appropriate care and followup.

This bill would, in addition, require the county health officer to provide any person to whom a disclosure is made pursuant to this provision with appropriate counseling.

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

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

- 1 SECTION 1. Section 121015 of the Health and Safety Code
- 2 is amended to read:
- 3 121015. (a) Notwithstanding Section 120980 or any other
- 4 provision of law, no physician and surgeon who has the results of

1 a confirmed positive test to detect infection by the probable  
2 causative agent of acquired immune deficiency syndrome of a  
3 patient under his or her care shall be held criminally or civilly  
4 liable for disclosing to a person reasonably believed to be the  
5 spouse, or to a person reasonably believed to be a sexual partner  
6 or a person with whom the patient has shared the use of  
7 hypodermic needles, or to the county health officer, that the patient  
8 has tested positive on a test to detect infection by the probable  
9 causative agent of acquired immune deficiency syndrome, except  
10 that no physician and surgeon shall disclose any identifying  
11 information about the individual believed to be infected.

12 (b) No physician and surgeon shall disclose the information  
13 described in subdivision (a) unless he or she has first discussed the  
14 test results with the patient and has offered the patient appropriate  
15 educational and psychological counseling, that shall include  
16 information on the risks of transmitting the human  
17 immunodeficiency virus to other people and methods of avoiding  
18 those risks, and has attempted to obtain the patient's voluntary  
19 consent for notification of his or her contacts. The physician and  
20 surgeon shall notify the patient of his or her intent to notify the  
21 patient's contacts prior to any notification. When the information  
22 is disclosed to a person reasonably believed to be a spouse, or to  
23 a person reasonably believed to be a sexual partner, or a person  
24 with whom the patient has shared the use of hypodermic needles,  
25 the physician and surgeon shall refer that person for appropriate  
26 care, counseling, and followup. This section shall not apply to  
27 disclosures made other than for the purpose of diagnosis, care, and  
28 treatment of persons notified pursuant to this section, or for the  
29 purpose of interrupting the chain of transmission.

30 (c) This section is permissive on the part of the attending  
31 physician, and all requirements and other authorization for the  
32 disclosure of test results to detect infection by the probable  
33 causative agent of acquired immune deficiency syndrome are  
34 limited to the provisions contained in this chapter, Chapter 10  
35 (commencing with Section 121075) and Sections 1603.1 and  
36 1603.3. No physician has a duty to notify any person of the fact that  
37 a patient is reasonably believed to be infected by the probable  
38 causative agent of acquired immune deficiency syndrome.

39 (d) The county health officer may alert any persons reasonably  
40 believed to be a spouse, sexual partner, or partner of shared needles



1 of an individual who has tested positive on a test to detect infection  
2 by the probable causative agent of acquired immune deficiency  
3 syndrome about their exposure, without disclosing any identifying  
4 information about the individual believed to be infected or the  
5 physician making the report, and shall *provide any person to whom*  
6 *a disclosure is made pursuant to this subdivision with appropriate*  
7 *counseling and followup* and refer any person to whom a  
8 disclosure is made pursuant to this subdivision for appropriate care  
9 ~~and followup~~. Upon completion of the county health officer's  
10 efforts to contact any person pursuant to this subdivision, all  
11 records regarding that person maintained by the county health  
12 officer pursuant to this subdivision, including but not limited to  
13 any individual identifying information, shall be expunged by the  
14 county health officer.

15 (e) The county health officer shall keep confidential the  
16 identity and the seropositivity status of the individual tested and  
17 the identities of the persons contacted, as long as records of  
18 contacts are maintained.

19 (f) Except as provided in Section 1603.1 or 1603.3, no person  
20 shall be compelled in any state, county, city, or local civil,  
21 criminal, administrative, legislative, or other proceedings to  
22 identify or provide identifying characteristics that would identify  
23 any individual reported or person contacted pursuant to this  
24 section.

