

Sec. 81.046. CONFIDENTIALITY. (a) Reports, records, and information received from any source, including from a federal agency or from another state, furnished to a public health district, a health authority, a local health department, or the department that relate to cases or suspected cases of diseases or health conditions are confidential and may be used only for the purposes of this chapter.

(b) Reports, records, and information relating to cases or suspected cases of diseases or health conditions are not public information under Chapter [552](#), Government Code, and may not be released or made public on subpoena or otherwise except as provided by Subsections (c), (c-1), (d), and (f).

(c) Medical or epidemiological information, including information linking a person who is exposed to a person with a communicable disease, may be released:

(1) for statistical purposes if released in a manner that prevents the identification of any person;

(2) with the consent of each person identified in the information;

(3) to medical personnel treating the individual, appropriate state agencies in this state or another state, a health authority or local health department in this state or another state, or federal, county, or district courts to comply with this chapter and related rules relating to the control and treatment of communicable diseases and health conditions or under another state or federal law that expressly authorizes the disclosure of this information;

(4) to appropriate federal agencies, such as the Centers for Disease Control and Prevention, but, except as provided under Subsection (c-3), the information must be limited to the name, address, sex, race, and occupation of the patient, the date of disease onset, the probable source of infection, and other requested information relating to the case or suspected case of a communicable disease or health condition;

(5) to medical personnel to the extent necessary in a medical emergency to protect the health or life of the person identified in the information;

(6) to a designated infection control officer;

(7) to governmental entities that provide first responders who may respond to a situation involving a potential communicable disease of concern and need the information to properly respond to the situation; or

(8) to a local health department or health authority for a designated monitoring period based on the potential risk for developing symptoms of a communicable disease of concern.

(c-1) A local health department or health authority shall provide to first responders the physical address of a person who is being monitored by the local department or authority for a communicable disease for the duration of the disease's incubation period. The local health department, health authority, or other governmental entity, as applicable, shall remove the person's physical address from any computer-aided dispatch system after the monitoring period expires.

(c-2) Only the minimum necessary information may be released under Subsections (c) (6) and (7) and (c-1), as determined by a health authority, local health department, governmental entity, or department.

(c-3) The following medical or epidemiological information relating to a person who has or is suspected of having a present or potential health condition resulting from exposure to a high consequence communicable disease as defined by the department, including the Zika virus, may be released to an appropriate federal agency:

(1) the name, address, sex, race, and occupation of the person;

(2) the date of the onset of the health condition;

(3) the probable source of infection or exposure; and

(4) other requested information relating to the case or suspected case of the infection.

(d) In a case of sexually transmitted disease involving a minor under 14 years of age, information may not be released, except that the child's name, age, and address and the name of the disease may be released to appropriate agents as required by Chapter [261](#), Family Code. This subsection does not affect a person's duty to report child abuse or neglect under Subchapter B, Chapter [261](#), Family Code, except that information made confidential by this chapter may not be released. If that information is required in a court proceeding involving child abuse, the information shall be disclosed in camera.

(e) A state or public health district officer or employee, local health department officer or employee, or health authority may not be examined in a civil, criminal, special, or other proceeding as to the existence or contents of pertinent records of, or reports or information about, a person examined or treated for a reportable disease by the public health district, local health department, or health authority without that person's consent.

(f) Reports, records, and information relating to cases or suspected cases of diseases or health conditions may be released to the extent necessary during a public health disaster, including an outbreak of a communicable disease, to law enforcement personnel and first responders solely for the purpose of protecting the health or life of a first responder or the person identified in the report, record, or information. Only the minimum necessary information may be released under this subsection, as determined by the health authority, the local health department, or the department.

(g) A judge of a county or district court may issue a protective order or take other action to limit disclosure of medical or epidemiological information obtained under this section before that information is entered into evidence or otherwise disclosed in a court proceeding.

(h) For purposes of this section, "first responder" has the meaning assigned by Section [421.095](#), Government Code.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.  
Amended by Acts 1995, 74th Leg., ch. 76, Sec. 5.95(90), eff.  
Sept. 1, 1995; Acts 1997, 75th Leg., ch. 165, Sec. 7.39, eff.  
Sept. 1, 1997; Acts 2003, 78th Leg., ch. 198, Sec. 2.173, eff.  
Sept. 1, 2003.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 788 (S.B. [1171](#)), Sec. 1,  
eff. June 19, 2009.

Acts 2015, 84th Leg., R.S., Ch. 789 (H.B. [2646](#)), Sec. 1,  
eff. September 1, 2015.

Acts 2015, 84th Leg., R.S., Ch. 1278 (S.B. [1574](#)), Sec. 6,  
eff. September 1, 2015.

Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. [1488](#)), Sec.  
9.001, eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. [1488](#)), Sec.  
24.001(25), eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 685 (H.B. [29](#)), Sec. 29,  
eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 1087 (H.B. [3576](#)), Sec. 1,  
eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 1087 (H.B. [3576](#)), Sec. 2,  
eff. September 1, 2017.