

California Department of Public Health, Center for Infectious Diseases, Office of AIDS

Assembly Bill 2541 (Portantino, Chapter 470, Statutes of 2011)

Appendix: Definitions and Health and Safety Code Sections on Disclosure

February 2012

In order to better understand changes in law set by Assembly Bill (AB) 2541 on the disclosure and re-disclosure of HIV-related confidential public health information, the Office of AIDS (OA) has provided definitions and California Health and Safety (H&S) Code references.<sup>1</sup> [Click here for the full text of AB 2541.](#)

### Definitions

- "Disclosed," according to H&S Code, means information released, transferred, disseminated, or otherwise communicated orally, in writing, or by electronic means to any person or entity, or to provide the means for obtaining the records. Section [121125\(b\)](#).
- "Further disclosed" also known as "re-disclosed" means the *receiving party* of confidential HIV-related information shared that information with a third party (someone other than the information source).
  - For example, local health department (LHD) HIV surveillance staff disclosed confidential HIV information with LHD Tuberculosis (TB) control staff (*receiving party*) and then local TB control staff *re-disclosed* this same information with state TB control staff (third party).

### California H&S Sections

- Prior to AB 2541, California law only allowed local and state public health agencies to [disclose](#) HIV/AIDS-related public health records to other local, state, or federal public health agencies, or collaborating medical researchers, when disclosing the information was necessary for the investigation, control, or surveillance of disease. Section [121025\(c\)](#). These disclosures are still allowed.
- Prior to AB 2541, the receiving public health agency or medical researcher needed to agree to keep the information confidential and *to not re-disclose* the information without written authorization of the person who was the subject of the record (*which means the HIV-positive individual*). Section [121025\(c\)](#).
- AB 2541, effective January 1, 2011, allows the *re-disclosure* (but only to the recipients now specified in Section 121025(c)) of confidential HIV/AIDS information by OA and LHDs for the purposes of HIV/AIDS case management, HIV/TB/sexually transmitted disease (STD) co-infection reporting, and HIV/TB/STD co-infection case management.
- The initial reporting of an HIV/AIDS case to OA by the local health officer does *not* constitute a [disclosure](#).
- AB 2541 specifies syphilis, gonorrhea, and chlamydia only. Section [121025\(c\)\(1\)\(B\)](#) and (C).
- AB 2541 designates that "staff" does not include non-governmental entities. The California Department of Public Health believes the purpose of this provision was not to preclude the use of contracted staff, but recommends LHDs confirm with their legal counsel. Section [121025\(c\)\(4\)](#).

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<sup>1</sup> See related fact sheets: HIV Case Management, HIV/TB/STD Case Management, HIV Reporting, and HIV/TB/STD Co-infection Reporting by clicking this link <http://www.cdph.ca.gov/programs/aids/Pages/OAFSAB2541.aspx>