

1 HB311
2 148211-1
3 By Representatives Weaver, Hill, McCutcheon, Harper, Farley,
4 Tuggle, Treadaway, Greer, Wallace, Johnson (K), Beech, Henry
5 and Moore (B)
6 RFD: Health
7 First Read: 19-FEB-13

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8 SYNOPSIS: This bill would mandate reporting by health
9 care providers of any injury suspected to be caused
10 by methamphetamine production under state law.
11 Reporting under this act would supersede any
12 privilege under state law, including the
13 doctor/patient privilege.

14
15 A BILL
16 TO BE ENTITLED
17 AN ACT
18

19 To require health care facilities in this state to
20 make reports to law enforcement of any injury suspected to be
21 caused by methamphetamine production suffered by a patient
22 without the necessity of obtaining written authorization from
23 the patient.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. For the purposes of this act, the
26 following words have the following meanings:

1 (1) HEALTH CARE FACILITY. As defined in Section
2 22-21-20(1), Code of Alabama 1975, or any other licensed
3 health care facility.

4 (2) REPORT. The following information if known: the
5 type of injury, the reported or suspected circumstances of
6 obtaining the wound, the name and other personal information
7 of the patient and any other information regarding the
8 immediate circumstances of the injury.

9 (3) REPORTABLE CONDITION. A reportable condition
10 includes every actual or apparent case of an injury consistent
11 with and suspected to have been caused from the production of
12 methamphetamine.

13 Section 2. A health care facility shall report to
14 the local police department or the local county sheriff's
15 office every reportable condition suffered by a patient who is
16 seeking care at the facility.

17 Section 3. This act does not apply to a wound that
18 is received by a local or state law enforcement officer while
19 the person is engaged in the actual performance of his or her
20 duty.

21 Section 4. (a) The required reports by this act may
22 be made orally or otherwise. If the report is made orally, a
23 description of the content of the report shall be made in the
24 facility records.

25 (b) The reports required by this act shall be made
26 as soon as possible, but no later than 72 hours after the

1 individual presents himself or herself to the health care
2 facility.

3 Section 5. Any person or health care facility acting
4 in accordance with this act or attempting in good faith to do
5 so or any person participating or testifying in any civil,
6 criminal, or administrative action or proceeding resulting
7 from or relating to any report issued pursuant to this act is
8 immune from any civil or criminal liability for the actions.

9 Section 6. Any action brought under this act shall
10 only be brought by the Attorney General or the district
11 attorney of the county in which the health care facility is
12 located. This act shall not create a private right of action.

13 Section 7. To the extent necessary, this act shall
14 supersede any existing privilege that would otherwise
15 constitute grounds not to report or otherwise exclude from
16 evidence any information or the existence of any information
17 regarding a person who presents himself or herself to a health
18 care facility. For purposes of this act, the confidential or
19 privileged nature of communication between physician or any
20 other professional person and his or her patient or client
21 does not constitute grounds for failure to report or the
22 exclusion of evidence resulting from a report made pursuant to
23 this act.

24 Section 8. Disclosures made pursuant to this act
25 shall not waive or affect Section 12-21-3.1, Code of Alabama
26 1975.

1 Section 9. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.