

1 HB310
2 173165-1
3 By Representative Weaver
4 RFD: Health
5 First Read: 24-FEB-16

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8 SYNOPSIS: Under existing law, except under limited
9 circumstances, health care providers in this state
10 may not initiate reports to law enforcement of
11 gunshot wounds and stabbings suffered by a patient
12 without appropriate written authorization from the
13 patient.

14 This bill would mandate reporting by health
15 care providers under state law. Reporting under
16 this act would supersede any privilege under state
17 law, including the doctor/patient privilege.

18
19 A BILL
20 TO BE ENTITLED
21 AN ACT
22

23 To require health care facilities in this state to
24 make reports to law enforcement of gunshot wounds and
25 stabbings suffered by a patient without the necessity of
26 obtaining written authorization from the patient.

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

3 (1) HEALTH CARE FACILITY. As defined in Section
4 22-21-20(1), Code of Alabama 1975, or any other licensed
5 health care facility.

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

11 (3) REPORTABLE CONDITION. A reportable condition
12 includes any of the following:

13 a. Every actual or apparent case of a bullet wound,
14 gunshot wound, powder burn, or any other injury arising from
15 or caused by the discharge of a gun or firearm.

16 b. Every case of a wound actually or apparently
17 inflicted by a knife, ice pick, or other sharp or pointed
18 instrument that caused serious physical injury or death.

19 Section 2. A health care facility shall report to
20 the local police department or the local county sheriff's
21 office every reportable condition suffered by a patient who is
22 seeking care at the facility.

23 Section 3. This act does not apply to a wound that
24 is received by a member of the Armed Forces of the United
25 States or a local or state law enforcement officer while the
26 person is engaged in the actual performance of his or her
27 duty.

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

5 (b) The reports required by this act shall be made
6 as soon as possible, but no later than 72 hours after the
7 individual presents himself or herself to the health care
8 facility.

9 Section 5. Any person or health care facility acting
10 in accordance with this act or attempting in good faith to do
11 so or any person participating or testifying in any civil,
12 criminal, or administrative action or proceeding resulting
13 from or relating to any report issued pursuant to this act is
14 immune from any civil or criminal liability for the actions.

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

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

1 exclusion of evidence resulting from a report made pursuant to
2 this act.

3 Section 8. Disclosures made pursuant to this act
4 shall not waive or affect Section 12-21-3.1, Code of Alabama
5 1975.

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