

84R2670 SCL-F

By: McClendon

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A BILL TO BE ENTITLED

AN ACT

relating to disease control pilot programs to reduce the risk of certain communicable diseases; authorizing a fee.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The legislature finds that because drug abuse has been a tragedy for many Texas families, it is imperative that individuals addicted to drugs receive education and treatment for addiction. Working with community-based and faith-based organizations creates a network of support for Texas families and the opportunity to intervene in drug addiction. Members of community-based and faith-based organizations have a strong desire to compassionately work to preserve lives and offer help to those stricken with disease and drug addiction.

Allowing for the operation of disease control pilot programs will reduce the transmission of bloodborne diseases, such as HIV/AIDS, hepatitis B, and hepatitis C, and provide clients with referrals to appropriate health and social services. A pilot program created under this Act may provide necessary access to primary health care, ensure safe and sterile disposal of used

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syringes and needles, and protect the public health. In addition, pilot program goals may include reduced rates of intravenous drug use and a reduced number of injuries to innocent victims, first responders, and law enforcement due to needle sticks from improperly disposed-of needles. Additionally, it is the intent of the legislature that there will be increased access to drug treatment centers, an increased likelihood of successful treatment for addiction, and increased protection of public health and safety.

SECTION 2. Section 531.0972, Government Code, is amended to read as follows:

Sec. 531.0972. PILOT PROGRAM TO PREVENT THE SPREAD OF CERTAIN INFECTIOUS OR COMMUNICABLE DISEASES. The commission may provide guidance to the counties and the hospital districts in those counties that establish [~~the local health authority of Bexar County in establishing~~] a pilot program under Subchapter J, Chapter 81, Health and Safety Code, [~~funded by the county~~] to prevent the spread of HIV, hepatitis B, hepatitis C, and other infectious and communicable diseases. The program may include a disease control program that provides for the anonymous exchange of used hypodermic needles and syringes.

SECTION 3. Chapter 81, Health and Safety Code, is amended by adding Subchapter J to read as follows:

SUBCHAPTER J. PILOT PROGRAMS TO REDUCE RISK OF CERTAIN

COMMUNICABLE DISEASES

Sec. 81.401. APPLICABILITY OF SUBCHAPTER. This subchapter applies only to Bexar, Dallas, El Paso, Harris, Nueces, Travis, and Webb Counties and hospital districts in those counties.

Sec. 81.402. DISEASE CONTROL PILOT PROGRAMS. (a) A county, a hospital district in the county, or an organization that contracts with a county or hospital district to operate a program under this subchapter may establish a disease control pilot program to prevent the spread of HIV, hepatitis B, hepatitis C, and other infectious and communicable diseases. The program may include disease control outreach programs that:

(1) provide for the anonymous exchange of used hypodermic needles and syringes for an equal number of new hypodermic needles and syringes;

(2) offer education on the transmission and prevention of communicable diseases, including HIV, hepatitis B, and hepatitis C; and

(3) assist program participants in obtaining health care and other physical and mental health-related services, including substance abuse treatment services and bloodborne disease testing.

(b) A county, hospital district, or other organization operating a disease control pilot program authorized by this

subchapter may charge a participant in the program a fee for each hypodermic needle or syringe used in the program not to exceed 150 percent of the actual cost of the hypodermic needle or syringe.

(c) A county, hospital district, or other organization operating a disease control pilot program authorized by this subchapter shall annually provide the department with information on:

(1) the effectiveness of the program;

(2) the program's impact on reducing the spread of communicable diseases, including HIV, hepatitis B, and hepatitis C; and

(3) the program's effect on injected drug use in the area served by the county or hospital district.

Sec. 81.403. DISTRIBUTION OF NEEDLES AND SYRINGES TO PILOT PROGRAM. A person licensed as a wholesale drug distributor or device distributor under Chapter 431 may distribute hypodermic needles and syringes to a disease control pilot program authorized by this subchapter.

Sec. 81.404. HANDLING OF NEEDLES AND SYRINGES. (a) The operator of a disease control pilot program shall store hypodermic needles and syringes in a proper and secure manner. Only authorized employees or volunteers of the program may have access to the hypodermic needles and syringes. The hypodermic needles and

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syringes may be included in packaged safe kits made available to program clients through the program. Program clients may obtain hypodermic needles and syringes and safe kits only from an authorized employee or volunteer of the program.

(b) The operator of a disease control pilot program authorized by this subchapter shall store and dispose of used hypodermic needles and syringes in accordance with applicable state laws and administrative rules governing the safe and proper disposal of medical waste.

Sec. 81.405. FUNDING. (a) Except to the extent specifically prohibited by law, a county or hospital district may use public money to fund a disease control pilot program under Section 81.402(a).

(b) Except to the extent specifically prohibited by law, a county or hospital district may solicit or accept gifts, grants, or donations to fund a disease control pilot program under Section 81.402(a).

Sec. 81.406. EXPIRATION. This subchapter expires September 1, 2025.

SECTION 4. Section 481.125, Health and Safety Code, is amended by adding Subsections (g), (h), and (i) to read as follows:

(g) It is an exception to the application of Subsections (a) and (b) that the person dispenses or delivers a hypodermic needle

or syringe for a medical purpose. For the purposes of this subsection, "medical purpose" includes the exchange of a hypodermic needle or syringe for a used hypodermic needle or syringe in a disease control pilot program described by Subchapter J, Chapter 81.

(h) It is an exception to the application of Subsections (a) and (b) that the person manufactures hypodermic needles or syringes for delivery to a disease control pilot program described by Subchapter J, Chapter 81.

(i) It is an exception to the application of Subsections (a) and (b) that the person is an employee, volunteer, duly authorized agent, or participant of a disease control pilot program described by Subchapter J, Chapter 81, and uses, possesses, or delivers a hypodermic needle or syringe as part of the program.

SECTION 5. (a) The change to Section 481.125, Health and Safety Code, made by this Act applies only to an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before the effective date.

(b) An offense committed before the effective date of this Act is governed by the law in effect when the offense was committed, and the former law is continued in effect for that purpose.

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SECTION 6. This Act takes effect September 1, 2015.