

By: Kolkhorst
(Shaheen)

S.B. No. 970

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the repeal of certain provisions related to health and
3 human services.

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

5 SECTION 1. (a) Section 38.064, Education Code, is
6 repealed.

7 (b) The following provisions of the Health and Safety Code
8 are repealed:

- 9 (1) Chapter 39;
- 10 (2) Sections 43.003(a)(3), (4), and (5);
- 11 (3) Sections 43.004(a), (b), (c), and (f);
- 12 (4) Section 43.006;
- 13 (5) Section 43.007;
- 14 (6) Section 43.008;
- 15 (7) Section 43.009;
- 16 (8) Section 43.010;
- 17 (9) Section 43.011;
- 18 (10) Section 43.012;
- 19 (11) Section 43.013;
- 20 (12) Section 43.014;
- 21 (13) Section 81.307;
- 22 (14) Section 92.003;
- 23 (15) Section 92.010;
- 24 (16) Section 94.004;

- 1 (17) Subchapter B, Chapter 95;
- 2 (18) Chapter 97;
- 3 (19) Section 104.0156;
- 4 (20) Section 105.007;
- 5 (21) Section 146.0021;
- 6 (22) Section 146.022;
- 7 (23) Section 146.023;
- 8 (24) Section 146.024;
- 9 (25) Section 146.025;
- 10 (26) Section 161.353;
- 11 (27) Section 168.010;
- 12 (28) Section 431.408;
- 13 (29) Subchapter O, Chapter 431; and
- 14 (30) Section 673.004.

15 (c) Chapter 131, Human Resources Code, is repealed.

16 SECTION 2. Section 43.003(a)(2), Health and Safety Code, is
17 amended to read as follows:

18 (2) "Oral health services" means[+
19 [~~(A) preventive or treatment services affecting~~
20 ~~the structures of the mouth, including the hard and soft tissues~~
21 ~~such as teeth, jaws, gums, vestibule, tongue, cheeks, lips, floor~~
22 ~~and roof of the mouth, and adjacent masticatory structures; and~~
23 [~~(B)~~] oral health education and promotion
24 activities.

25 SECTION 3. Section 43.004(d), Health and Safety Code, is
26 amended to read as follows:

27 (d) The department may establish an oral health services

1 program that may consist of all or any combination of the following:

2 (1) [~~treatment services for eligible individuals,~~
3 ~~including:~~

4 [~~(A) emergency care for relief of pain and~~
5 ~~infection, including extractions and basic restorative services to~~
6 ~~prevent premature loss of teeth;~~

7 [~~(B) periodontal therapy for the prevention and~~
8 ~~treatment of periodontal disease;~~

9 [~~(C) endodontics to maintain aesthetics and~~
10 ~~occlusion;~~

11 [~~(D) orthodontic care only in cases of severely~~
12 ~~handicapping malocclusion; and~~

13 [~~(E) oral surgery and prosthetics in cases in~~
14 ~~which health is impaired;~~

15 [~~(2)~~] a program of oral disease prevention, including:

16 (A) the fluoridation of community water
17 supplies;

18 (B) fluoride mouth rinse programs in schools; and

19 (C) the promotion and implementation of sealants
20 programs; [~~and~~

21 [~~(D) the development of appropriate means for~~
22 ~~prevention of oral disease, including the continued use of~~
23 ~~recognized methods of primary, secondary, and tertiary~~
24 ~~prevention;]~~

25 (2) [~~(3)~~] oral health education and promotion,
26 including:

27 (A) public health education to promote the

1 prevention of oral disease through self-help methods, including the
2 initiation and expansion of preschool, school age, and adult
3 education programs;

4 (B) organized continuing health education
5 training programs for health care providers; and

6 (C) preventive health education information for
7 the public; and

8 (3) [~~4~~] facilitation of access to oral health
9 services, including:

10 (A) the improvement of the existing oral health
11 services delivery system for the provision of services to
12 low-income residents;

13 (B) outreach activities to inform the public of
14 the type and availability of oral health services to increase the
15 accessibility of oral health care for low-income residents; and

16 (C) assistance and cooperation in promoting
17 better distribution of dentists and other oral health professionals
18 throughout the state.

19 SECTION 4. Section 101.008, Health and Safety Code, is
20 amended to read as follows:

21 Sec. 101.008. DUTIES OF DEPARTMENT. The department shall:

22 (1) provide administrative assistance, services, and
23 materials to the council;

24 (2) accept, deposit, and disburse funds made available
25 to the council at the direction of the executive commissioner;

26 (3) accept gifts and grants on behalf of the council
27 from any public or private entity; and

1 (4) [~~maintain a population data base of persons with~~
2 ~~Alzheimer's disease and related disorders in this state; and~~

3 [~~(5)~~] apply for and receive on behalf of the council
4 any appropriations, gifts, or other funds from the state or federal
5 government or any other public or private entity, subject to
6 limitations and conditions prescribed by legislative
7 appropriation.

8 SECTION 5. Section 146.005, Health and Safety Code, is
9 amended to read as follows:

10 Sec. 146.005. FEES. The executive commissioner by rule
11 shall set license [~~and registration fees~~] and license [~~and~~
12 ~~registration~~] renewal fees in amounts necessary [~~for the~~
13 ~~department~~] to administer this chapter.

14 SECTION 6. Section 146.021(c), Health and Safety Code, is
15 amended to read as follows:

16 (c) If the license [~~or registration~~] holder cannot be
17 located for a notice required under this section, the department
18 shall provide notice by posting a copy of the order on the front
19 door of the premises of the license holder [~~or the premises where~~
20 ~~the registration holder is employed~~].

21 SECTION 7. Section 161.0074(c), Health and Safety Code, is
22 amended to read as follows:

23 (c) The report must:
24 (1) include the current immunization rates by
25 geographic region of the state, where available;
26 (2) focus on the geographic regions of the state with
27 immunization rates below the state average for preschool children;

1 (3) describe the approaches identified to increase
2 immunization rates in underserved areas and the estimated cost for
3 each;

4 (4) identify changes to department procedures needed
5 to increase immunization rates;

6 (5) identify the services provided under and
7 provisions of contracts entered into by the department to increase
8 immunization rates in underserved areas;

9 (6) identify performance measures used in contracts
10 described by Subdivision (5);

11 (7) include the number and type of exemptions used in
12 the past year;

13 (8) include the number of complaints received by the
14 department related to the department's failure to comply with
15 requests for exclusion of individuals from the registry;

16 (9) identify all reported incidents of discrimination
17 for requesting exclusion from the registry or for using an
18 exemption for a required immunization; and

19 ~~(10) [include department recommendations about the
20 best way to use, and communicate with, local registries in the
21 state, and~~

22 ~~[(11)]~~ include ways to increase provider
23 participation in the registry.

24 SECTION 8. Section [161.352\(a\)](#), Health and Safety Code, is
25 amended to read as follows:

26 (a) Each manufacturer shall file with the department an
27 annual report for each cigarette or tobacco product distributed in

1 this state, stating~~[-~~

2 ~~[(1)]~~ the identity of each ingredient in the cigarette
3 or tobacco product, listed in descending order according to weight,
4 measure, or numerical count, other than:

5 (1) ~~[(A)]~~ tobacco;

6 (2) ~~[(B)]~~ water; or

7 (3) ~~[(C)]~~ a reconstituted tobacco sheet made wholly
8 from tobacco~~[-, and~~

9 ~~[(2) a nicotine yield rating for the cigarette or~~
10 ~~tobacco product established under Section 161.353].~~

11 SECTION 9. Sections 431.4031(a) and (b), Health and Safety
12 Code, are amended to read as follows:

13 (a) A wholesale distributor that distributes prescription
14 drugs that are medical gases or a wholesale distributor that is a
15 manufacturer or a third-party logistics provider on behalf of a
16 manufacturer is exempt from Sections 431.404(a)(5) and (6), (b),
17 and (c), 431.4045(2), 431.405, and 431.407~~[-, and 431.408].~~

18 (b) A state agency or a political subdivision of this state
19 that distributes prescription drugs using federal or state funding
20 to nonprofit health care facilities or local mental health or
21 mental retardation authorities for distribution to a pharmacy,
22 practitioner, or patient is exempt from Sections 431.405(b),
23 431.407, ~~[431.408,]~~ 431.412, and 431.413.

24 SECTION 10. On the effective date of this Act:

25 (1) the following are abolished:

26 (A) the children's outreach heart program;

27 (B) the oral health improvement services

1 program;

2 (C) the arthritis control and prevention
3 program;

4 (D) the health care information technology
5 advisory committee;

6 (E) the diabetes intervention pilot program;

7 (F) the prescription drug donation pilot
8 program; and

9 (G) the Health and Human Services Office of
10 Community Transportation Services;

11 (2) any remaining obligations, rights, contracts,
12 records, real and personal property, funds, appropriations, and
13 money of the children's outreach heart program, the arthritis
14 control and prevention program, the oral health improvement
15 services program, the diabetes intervention pilot program, and the
16 prescription drug donation pilot program are transferred to the
17 Department of State Health Services;

18 (3) any remaining obligations, rights, contracts,
19 records, real and personal property, funds, appropriations, and
20 money of the health care information technology advisory committee
21 are transferred to the statewide health coordinating council under
22 Subchapter B, Chapter 104, Health and Safety Code; and

23 (4) any remaining obligations, rights, contracts,
24 records, real and personal property, funds, appropriations, and
25 money of the Health and Human Services Office of Community
26 Transportation Services are transferred to the Health and Human
27 Services Commission.

1 SECTION 11. This Act takes effect September 1, 2021.