

BILL ANALYSIS

Senate Research Center
78R4844 MCK-D

S.B. 438
By: Lindsay
Health & Human Services
3/18/2003
As Filed

DIGEST AND PURPOSE

Communicable diseases such as HIV/AIDS and Hepatitis B and C pose a significant public health risk as they are, in most cases, life-threatening and costly to treat. Significant numbers of new cases are due to injection drug use and the sharing of contaminated needles. To combat the skyrocketing cases of new infections, many states and local communities have begun providing clean needles and syringes, which research has shown can significantly reduce the spread of communicable diseases. As proposed, S.B. 438 authorizes a local health authority or an organization that contracts with a local governmental entity to establish a disease control program that provides anonymous needle exchange and education regarding the transmission and prevention of communicable diseases, and assists participants in obtaining health-related services.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas Board of Health in SECTION 1 (Section 81.403, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 81, Health and Safety Code, by adding Subchapter J, as follows:

SUBCHAPTER J. PROGRAMS TO REDUCE RISK OF CERTAIN COMMUNICABLE DISEASES

Sec. 81.401. DISEASE CONTROL PROGRAMS. (a) Authorizes a local health authority or organization that contracts with a local governmental authority to establish a disease control program that provides anonymous needle exchange and education regarding the transmission and prevention of communicable diseases, and assists participants in obtaining health-related services.

(b) Authorizes an authority or organization operating a program authorized by this subchapter to charge a participant for a needle or syringe in an amount not to exceed 150 percent of the actual cost of the needle or syringe.

(c) Requires an authority or organization operating a program authorized by this subchapter to annually provide the Texas Department of Health (TDH) with information on the effectiveness and impact of the program.

Sec. 81.402. DISTRIBUTION OF NEEDLES AND SYRINGES TO PROGRAM.

Authorizes a person licensed as a wholesale drug or device distributor to distribute hypodermic needles and syringes to a disease control program authorized by this subchapter.

Sec. 81.403. HANDLING OF NEEDLES AND SYRINGES. (a) Requires the operator of

a disease control program to store needles and syringes in a proper and secure manner and provides that only authorized employees or volunteers of the program may have access to the needles and syringes. Provides that program clients may obtain needles and syringes only from an authorized employee or volunteer.

(b) Requires the operator of a program authorized by this subchapter to store and dispose of used needles and syringes in accordance with Texas Board of Health rule.

SECTION 2. Amends Section 481.125, Health and Safety Code, by adding Subsection (g), to provide an exception to the application of Subsections (a) and (b).

SECTION 3. Provides that the purpose of this Act is to authorize disease control programs to combat the spread of infectious and communicable diseases.

SECTION 4. (a) Effective date: September 1, 2003.

(b) Makes application of Section 481.125, Health and Safety Code, as amended by this Act, prospective.

(c) Makes application of this Act prospective.