

1-1 By: Van de Putte S.B. No. 399
1-2 (In the Senate - Filed February 6, 2003; February 12, 2003,
1-3 read first time and referred to Committee on Infrastructure
1-4 Development and Security; May 14, 2003, reported adversely, with
1-5 favorable Committee Substitute by the following vote: Yeas 9,
1-6 Nays 0; May 14, 2003, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 399 By: Wentworth

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to certain reports required to be filed in connection with
1-11 certain diseases or other public health conditions.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subsection (e), Section 81.042, Health and
1-14 Safety Code, is amended to read as follows:

1-15 (e) The following persons shall report to the local health
1-16 authority or the department a suspected case of a reportable
1-17 disease and all information known concerning the person who has or
1-18 is suspected of having the disease if a report is not made as
1-19 required by Subsections (a)-(d):

- 1-20 (1) a professional registered nurse;
- 1-21 (2) an administrator or director of a public or
1-22 private temporary or permanent child-care facility;
- 1-23 (3) an administrator or director of a nursing home,
1-24 personal care home, maternity home, adult respite care center, or
1-25 adult day-care center;
- 1-26 (4) an administrator of a home health agency;
- 1-27 (5) an administrator or health official of a public or
1-28 private institution of higher education;
- 1-29 (6) an owner or manager of a restaurant, dairy, or
1-30 other food handling or processing establishment or outlet;
- 1-31 (7) a superintendent, manager, or health official of a
1-32 public or private camp, home, or institution;
- 1-33 (8) a parent, guardian, or householder;
- 1-34 (9) a health professional; ~~or~~
- 1-35 (10) an administrator or health official of a penal or
1-36 correctional institution; or
- 1-37 (11) emergency medical service personnel, a peace
1-38 officer, or a firefighter.

1-39 SECTION 2. Subchapter B, Chapter 562, Occupations Code, is
1-40 amended by adding Section 562.055 to read as follows:

1-41 Sec. 562.055. REPORT TO TEXAS DEPARTMENT OF HEALTH. A
1-42 pharmacist shall report any unusual or increased prescription
1-43 rates, unusual types of prescriptions, or unusual trends in
1-44 pharmacy visits that may be caused by bioterrorism, epidemic or
1-45 pandemic disease, or novel and highly fatal infectious agents or
1-46 biological toxins that might pose a substantial risk of a
1-47 significant number of human fatalities or incidents of permanent or
1-48 long-term disability. Prescription-related events that require a
1-49 report include:

- 1-50 (1) an unusual increase in the number of prescriptions
1-51 to treat respiratory or gastrointestinal complaints or fever;
- 1-52 (2) an unusual increase in the number of prescriptions
1-53 for antibiotics;
- 1-54 (3) an unusual increase in the number of requests for
1-55 information on over-the-counter pharmaceuticals to treat
1-56 respiratory or gastrointestinal complaints or fever; and
- 1-57 (4) any prescription that treats a disease that is
1-58 relatively uncommon and has bioterrorism potential.

1-59 SECTION 3. Subsections (a), (b), and (c), Section 161.101,
1-60 Agriculture Code, are amended to read as follows:

1-61 (a) A veterinarian, a veterinary diagnostic laboratory, or
1-62 a person having care, custody, or control of an animal shall report
1-63 the existence of the following diseases among livestock, exotic

- 2-1 livestock, bison, domestic fowl, or exotic fowl to the commission
- 2-2 within 24 hours after diagnosis of the disease:
- 2-3 (1) anthrax;
- 2-4 (2) avian infectious laryngotracheitis;
- 2-5 (3) avian influenza;
- 2-6 (4) avian tuberculosis;
- 2-7 (5) chronic wasting disease;
- 2-8 (6) duck virus enteritis;
- 2-9 (7) duck virus hepatitis;
- 2-10 (8) equine encephalomyelitis;
- 2-11 (9) equine infectious anemia;
- 2-12 (10) infectious encephalomyelitis in poultry or other
- 2-13 fowl;
- 2-14 (11) ornithosis;
- 2-15 (12) paramyxovirus infection in poultry or other fowl;
- 2-16 or
- 2-17 (13) scabies in sheep or cattle.

2-18 (b) In addition to reporting required by Subsection (a), the
 2-19 commission may adopt rules that require a veterinarian, a
 2-20 veterinary diagnostic laboratory, or a person having care, custody,
 2-21 or control of an animal to report the existence of a disease other
 2-22 than bluetongue in an animal to the commission within 24 hours after
 2-23 diagnosis if the disease:

- 2-24 (1) is recognized by the United States Department of
- 2-25 Agriculture as a foreign animal disease;
- 2-26 (2) is the subject of a cooperative eradication
- 2-27 program with the United States Department of Agriculture;
- 2-28 (3) is named on "List A" of the Office International
- 2-29 Des Epizooties; or
- 2-30 (4) is the subject of a state of emergency, as declared
- 2-31 by the governor.

2-32 (c) The commission may adopt rules that require a
 2-33 veterinarian, a veterinary diagnostic laboratory, or a person
 2-34 having care, custody, or control of an animal to report a disease
 2-35 not covered by Subsection (a) or (b) if the commission determines
 2-36 that action to be necessary for the protection of animal health in
 2-37 this state. The commission shall immediately deliver a copy of a
 2-38 rule adopted under this subsection to the appropriate legislative
 2-39 oversight committees. A rule adopted by the commission under this
 2-40 subsection expires on the first day after the last day of the first
 2-41 regular legislative session that begins after adoption of the rule
 2-42 unless the rule is continued in effect by act of the legislature.

2-43 SECTION 4. This Act takes effect September 1, 2003.

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