

By: Lindsay

S.B. No. 438

A BILL TO BE ENTITLED

AN ACT

relating to disease control programs to reduce the risk of certain communicable diseases.

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

SECTION 1. Chapter 81, Health and Safety Code, is amended by adding Subchapter J to read as follows:

SUBCHAPTER J. PROGRAMS TO REDUCE RISK

OF CERTAIN COMMUNICABLE DISEASES

Sec. 81.401. DISEASE CONTROL PROGRAMS. (a) A local health authority or an organization that contracts with a local governmental entity may establish a disease control program that:

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

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

(3) assists program participants in obtaining health-related services, including substance abuse treatment services.

(b) A local health authority or other organization operating a 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

1 cost of the hypodermic needle or syringe.

2 (c) A local health authority or other organization
3 operating a disease control program authorized by this subchapter
4 shall annually provide the department with information on the
5 effectiveness of the program and its impact on reducing the spread
6 of communicable diseases, including HIV, hepatitis B, and hepatitis
7 C.

8 Sec. 81.402. DISTRIBUTION OF NEEDLES AND SYRINGES TO
9 PROGRAM. A person licensed as a wholesale drug distributor or
10 device distributor under Chapter 431 may distribute hypodermic
11 needles and syringes to a disease control program authorized by
12 this subchapter.

13 Sec. 81.403. HANDLING OF NEEDLES AND SYRINGES. (a) The
14 operator of a disease control program shall store hypodermic
15 needles and syringes in a proper and secure manner. Only authorized
16 employees or volunteers of the disease control program may have
17 access to the hypodermic needles and syringes. Program clients may
18 obtain hypodermic needles and syringes only from an authorized
19 employee or volunteer.

20 (b) The operator of a disease control program authorized by
21 this subchapter shall store and dispose of used hypodermic needles
22 and syringes in accordance with board rule.

23 SECTION 2. Section 481.125, Health and Safety Code, is
24 amended by adding Subsection (g) to read as follows:

25 (g) It is an exception to the application of Subsections (a)
26 and (b) that:

27 (1) the person manufactures hypodermic needles or

1 syringes that are delivered or are to be delivered through a disease
2 control program established under Subchapter J, Chapter 81; or

3 (2) the person:

4 (A) uses, possesses, or delivers hypodermic
5 needles or syringes that are delivered or are to be delivered
6 through a disease control program established under Subchapter J,
7 Chapter 81; and

8 (B) presents evidence showing that the person is
9 an employee, volunteer, or participant of the disease control
10 program.

11 SECTION 3. The purpose of this Act is to authorize disease
12 control programs to combat the spread of infectious and
13 communicable diseases, including HIV, hepatitis B, and hepatitis C.

14 SECTION 4. (a) This Act takes effect September 1, 2003.

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

20 (c) An offense committed before the effective date of this
21 Act is covered by the law in effect when the offense was committed,
22 and the former law is continued in effect for that purpose.