

1-1 By: Lindsay S.B. No. 438
1-2 (In the Senate - Filed February 11, 2003; February 17, 2003,
1-3 read first time and referred to Committee on Health and Human
1-4 Services; April 14, 2003, reported favorably by the following
1-5 vote: Yeas 6, Nays 2, 1 present not voting; April 14, 2003, sent to
1-6 printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to disease control programs to reduce the risk of certain
1-10 communicable diseases.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Chapter 81, Health and Safety Code, is amended by
1-13 adding Subchapter J to read as follows:

1-14 SUBCHAPTER J. PROGRAMS TO REDUCE RISK
1-15 OF CERTAIN COMMUNICABLE DISEASES

1-16 Sec. 81.401. DISEASE CONTROL PROGRAMS. (a) A local health
1-17 authority or an organization that contracts with a local
1-18 governmental entity may establish a disease control program that:

1-19 (1) provides for the anonymous exchange of used
1-20 hypodermic needles and syringes for an equal number of new
1-21 hypodermic needles and syringes;

1-22 (2) offers education on the transmission and
1-23 prevention of communicable diseases, including HIV, hepatitis B,
1-24 and hepatitis C; and

1-25 (3) assists program participants in obtaining
1-26 health-related services, including substance abuse treatment
1-27 services.

1-28 (b) A local health authority or other organization
1-29 operating a disease control program authorized by this subchapter
1-30 may charge a participant in the program a fee for each hypodermic
1-31 needle or syringe used in the program not to exceed 150 percent of
1-32 the actual cost of the hypodermic needle or syringe.

1-33 (c) A local health authority or other organization
1-34 operating a disease control program authorized by this subchapter
1-35 shall annually provide the department with information on the
1-36 effectiveness of the program and its impact on reducing the spread
1-37 of communicable diseases, including HIV, hepatitis B, and hepatitis
1-38 C.

1-39 Sec. 81.402. DISTRIBUTION OF NEEDLES AND SYRINGES TO
1-40 PROGRAM. A person licensed as a wholesale drug distributor or
1-41 device distributor under Chapter 431 may distribute hypodermic
1-42 needles and syringes to a disease control program authorized by
1-43 this subchapter.

1-44 Sec. 81.403. HANDLING OF NEEDLES AND SYRINGES. (a) The
1-45 operator of a disease control program shall store hypodermic
1-46 needles and syringes in a proper and secure manner. Only authorized
1-47 employees or volunteers of the disease control program may have
1-48 access to the hypodermic needles and syringes. Program clients may
1-49 obtain hypodermic needles and syringes only from an authorized
1-50 employee or volunteer.

1-51 (b) The operator of a disease control program authorized by
1-52 this subchapter shall store and dispose of used hypodermic needles
1-53 and syringes in accordance with board rule.

1-54 SECTION 2. Section 481.125, Health and Safety Code, is
1-55 amended by adding Subsection (g) to read as follows:

1-56 (g) It is an exception to the application of Subsections (a)
1-57 and (b) that:

1-58 (1) the person manufactures hypodermic needles or
1-59 syringes that are delivered or are to be delivered through a disease
1-60 control program established under Subchapter J, Chapter 81; or

1-61 (2) the person:

1-62 (A) uses, possesses, or delivers hypodermic
1-63 needles or syringes that are delivered or are to be delivered
1-64 through a disease control program established under Subchapter J,

2-1 Chapter 81; and

2-2 (B) presents evidence showing that the person is
2-3 an employee, volunteer, or participant of the disease control
2-4 program.

2-5 SECTION 3. The purpose of this Act is to authorize disease
2-6 control programs to combat the spread of infectious and
2-7 communicable diseases, including HIV, hepatitis B, and hepatitis C.

2-8 SECTION 4. (a) This Act takes effect September 1, 2003.

2-9 (b) The change to Section 481.125, Health and Safety Code,
2-10 made by this Act applies only to an offense committed on or after
2-11 the effective date of this Act. For purposes of this section, an
2-12 offense is committed before the effective date of this Act if any
2-13 element of the offense occurs before the effective date.

2-14 (c) An offense committed before the effective date of this
2-15 Act is covered by the law in effect when the offense was committed,
2-16 and the former law is continued in effect for that purpose.

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