

1-1 By: Lindsay, Van de Putte S.B. No. 127
1-2 (In the Senate - Filed December 21, 2004; February 1, 2005,
1-3 read first time and referred to Committee on Health and Human
1-4 Services; March 23, 2005, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 5, Nays 1;
1-6 March 23, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 127 By: Carona

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

1-10 relating to disease control programs to reduce the risk of certain
1-11 communicable diseases.

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

1-13 SECTION 1. Chapter 81, Health and Safety Code, is amended by
1-14 adding Subchapter J to read as follows:

1-15 SUBCHAPTER J. PROGRAMS TO REDUCE RISK
1-16 OF CERTAIN COMMUNICABLE DISEASES

1-17 Sec. 81.401. DISEASE CONTROL PROGRAMS. (a) A local health
1-18 authority or an organization that contracts with a local
1-19 governmental entity may establish a disease control program that:

1-20 (1) provides for the anonymous exchange of used
1-21 hypodermic needles and syringes for an equal number of new
1-22 hypodermic needles and syringes;

1-23 (2) offers education on the transmission and
1-24 prevention of communicable diseases, including HIV, hepatitis B,
1-25 and hepatitis C; and

1-26 (3) assists program participants in obtaining
1-27 health-related services, including substance abuse treatment
1-28 services.

1-29 (b) A local health authority or other organization
1-30 operating a disease control program authorized by this subchapter
1-31 may charge a participant in the program a fee for each hypodermic
1-32 needle or syringe used in the program not to exceed 150 percent of
1-33 the actual cost of the hypodermic needle or syringe.

1-34 (c) A local health authority or other organization
1-35 operating a disease control program authorized by this subchapter
1-36 shall annually provide the department with information on the
1-37 effectiveness of the program and its impact on reducing the spread
1-38 of communicable diseases, including HIV, hepatitis B, and hepatitis
1-39 C.

1-40 Sec. 81.402. DISTRIBUTION OF NEEDLES AND SYRINGES TO
1-41 PROGRAM. A person licensed as a wholesale drug distributor or
1-42 device distributor under Chapter 431 may distribute hypodermic
1-43 needles and syringes to a disease control program authorized by
1-44 this subchapter.

1-45 Sec. 81.403. HANDLING OF NEEDLES AND SYRINGES. (a) The
1-46 operator of a disease control program shall store hypodermic
1-47 needles and syringes in a proper and secure manner. Only authorized
1-48 employees or volunteers of the disease control program may have
1-49 access to the hypodermic needles and syringes. Program clients may
1-50 obtain hypodermic needles and syringes only from an authorized
1-51 employee or volunteer.

1-52 (b) The operator of a disease control program authorized by
1-53 this subchapter shall store and dispose of used hypodermic needles
1-54 and syringes in accordance with board rule.

1-55 SECTION 2. Section 481.125, Health and Safety Code, is
1-56 amended by adding Subsection (g) to read as follows:

1-57 (g) It is a defense to prosecution under Subsections (a) and
1-58 (b) that:

1-59 (1) the person manufactures hypodermic needles or
1-60 syringes that are delivered or are to be delivered through a disease
1-61 control program established under Subchapter J, Chapter 81; or

1-62 (2) the person:

1-63 (A) uses, possesses, or delivers hypodermic

2-1 needles or syringes that are delivered or are to be delivered
2-2 through a disease control program established under Subchapter J,
2-3 Chapter 81; and

2-4 (B) presents evidence showing that the person is
2-5 an employee, volunteer, or participant of the disease control
2-6 program.

2-7 SECTION 3. The purpose of this Act is to authorize disease
2-8 control programs to combat the spread of infectious and
2-9 communicable diseases, including HIV, hepatitis B, and hepatitis C.

2-10 SECTION 4. (a) The change to Section 481.125, Health and
2-11 Safety Code, made by this Act applies only to an offense committed
2-12 on or after the effective date of this Act. For purposes of this
2-13 section, an offense is committed before the effective date of this
2-14 Act if any element of the offense occurs before the effective date.

2-15 (b) An offense committed before the effective date of this
2-16 Act is covered by the law in effect when the offense was committed,
2-17 and the former law is continued in effect for that purpose.

2-18 SECTION 5. This Act takes effect September 1, 2005.

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