

A BILL TO BE ENTITLED

AN ACT

relating to protecting certain members of the Texas National Guard from exposure to depleted uranium.

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

SECTION 1. Subchapter A, Chapter 431, Government Code, is amended by adding Section 431.0185 to read as follows:

Sec. 431.0185. TESTING FOR EXPOSURE TO DEPLETED URANIUM.

(a) In this section:

(1) "Depleted uranium" means uranium containing less uranium-235 than the naturally occurring distribution of uranium isotopes.

(2) "Eligible member" means a member or former member of the Texas National Guard who served:

(A) in the Persian Gulf War, as defined by 38 U.S.C. Section 101;

(B) in an area designated as a combat zone or qualified hazardous duty area by the president of the United States during Operation Enduring Freedom or Operation Iraqi Freedom; or

(C) in any other military assignment in which there was a high probability that the person was exposed to depleted uranium from exploded munitions containing depleted uranium.

(3) "Medically qualified screening test" means:

(A) a best practice health screening test for exposure to depleted uranium using a bioassay procedure involving:

1                   (i) sensitive methods capable of detecting  
2 depleted uranium at low levels; and

3                   (ii) the use of equipment with the capacity  
4 to discriminate between different radioisotopes in naturally  
5 occurring levels of uranium and the characteristic ratio and marker  
6 for depleted uranium; or

7                   (B) a closely comparable test that is equally  
8 capable or more capable of detecting depleted uranium at low levels  
9 in the body.

10                  (4) "Military physician" includes a physician who is  
11 under contract with the United States Department of Defense to  
12 provide physician services to members of the armed forces.

13                  (b) The adjutant general and the Texas Veterans Commission  
14 shall assist an eligible member to obtain federal government  
15 treatment services, including a medically qualified screening  
16 test, if the eligible member:

17                   (1) has been assigned a risk level I, II, or III for  
18 depleted uranium exposure by the member's branch of service;

19                   (2) is referred by a military physician; or

20                   (3) has reason to believe that the member was exposed  
21 to depleted uranium during military service.

22                  SECTION 2. (a) In this section, "depleted uranium" and  
23 "eligible member" have the meanings assigned by Section 431.0185,  
24 Government Code, as added by this Act.

25                  (b) Not later than December 1, 2008, the adjutant general  
26 shall report in writing to the presiding officer of the standing  
27 committee of each house of the legislature with primary

1 jurisdiction over military and veterans matters on the scope and  
2 adequacy of training received by members of the national guard on  
3 detecting whether their service as eligible members is likely to  
4 entail, or to have entailed, exposure to depleted uranium.

5 (c) The report must include an assessment of the feasibility  
6 and cost of adding predeployment training concerning potential  
7 exposure to depleted uranium and other toxic chemical substances  
8 and the precautions recommended under combat and noncombat  
9 conditions while in a combat zone.

10 SECTION 3. This Act takes effect September 1, 2007.