

By: Van de Putte, et al.

S.B. No. 363

Substitute the following for S.B. No. 363:

By: Garcia

C.S.S.B. No. 363

A BILL TO BE ENTITLED

AN ACT

1
2 relating to protecting certain members of the Texas National Guard
3 from exposure to depleted uranium and assisting certain members who
4 may have been exposed to obtain federal government services.

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

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

8 Sec. 431.0185. TESTING FOR EXPOSURE TO DEPLETED URANIUM.

9 (a) In this section:

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

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

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

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

21 (3) "Medically qualified screening test" means:

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

24 (i) sensitive methods capable of detecting

1 depleted uranium at low levels; and

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

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

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

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

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

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

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

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

24 (b) Not later than December 1, 2008, the adjutant general
25 shall report in writing to the presiding officer of the standing
26 committee of each house of the legislature with primary
27 jurisdiction over military and veterans matters on the scope and

1 adequacy of instruction received by members of the national guard
2 on detecting whether their service as eligible members is likely to
3 entail, or to have entailed, exposure to depleted uranium. In
4 determining the scope and adequacy of the instruction provided to
5 eligible members, the adjutant general must consider:

6 (1) the information provided to eligible members on
7 potential exposure to depleted uranium and other toxic chemical
8 substances;

9 (2) whether the eligible members were provided an
10 opportunity to ask questions; and

11 (3) whether the eligible members were provided with
12 information on referrals to appropriate federal agencies.

13 (c) The report must include an assessment of the feasibility
14 and cost of adding predeployment instruction concerning potential
15 exposure to depleted uranium and other toxic chemical substances
16 and the precautions recommended under combat and noncombat
17 conditions while in a combat zone.

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