

By: Van de Putte

S.B. No. 363

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 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  
6 marker 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                  (5) "Veteran" means an individual who served in the  
14 army, navy, air force, marine corps, or coast guard of the United  
15 States or in an auxiliary service of one of those branches of the  
16 armed forces.

17                  (b) The adjutant general and the Texas Veterans Commission  
18 shall assist an eligible member or veteran to obtain federal  
19 government treatment services, including a medically qualified  
20 screening test, if the eligible member or veteran:

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

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

25                   (3) has reason to believe that the member or veteran  
26 was exposed to depleted uranium during military service.

27                  SECTION 2. (a) In this section, "depleted uranium" and

1 "eligible member" have the meanings assigned by Section 431.0185,  
2 Government Code, as added by this Act.

3 (b) Not later than December 1, 2008, the adjutant general  
4 shall report in writing to the presiding officer of the standing  
5 committee of each house of the legislature with primary  
6 jurisdiction over military and veterans matters on the scope and  
7 adequacy of training received by members of the national guard on  
8 detecting whether their service as eligible members is likely to  
9 entail, or to have entailed, exposure to depleted uranium.

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

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