

By: Coleman

H.B. No. 3707

A BILL TO BE ENTITLED

AN ACT

relating to county-regulated disease control programs to reduce the risk of certain communicable diseases for certain counties.

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

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

SUBCHAPTER J. PROGRAMS TO REDUCE RISK

OF CERTAIN COMMUNICABLE DISEASES

Sec. 81.401. DISEASE CONTROL PROGRAMS. (a) A local health authority or an organization that contracts with a county, municipality, hospital district, or other local governmental entity charged with protecting the public health may establish a disease control program in a county with a population of more than 730,000 that:

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

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

(3) assists program participants in obtaining health-related services, including substance abuse treatment services and blood-borne disease testing.

(b) A local health authority or other organization

1 operating a disease control program authorized by this subchapter
2 may charge a participant in the program a fee for each hypodermic
3 needle or syringe used in the program not to exceed 150 percent of
4 the actual cost of the hypodermic needle or syringe.

5 (c) A disease control program authorized by this subchapter
6 shall annually provide the department with information on the
7 effectiveness of the program, the program's impact on reducing the
8 spread of communicable diseases, including HIV, hepatitis B, and
9 hepatitis C, and the program's effect on injected drug use in the
10 area served by the disease control program.

11 (d) The commissioners court of a county by order may
12 regulate a disease control program under this subchapter to promote
13 the public health, safety, or welfare.

14 Sec. 81.402. DISTRIBUTION OF NEEDLES AND SYRINGES TO
15 PROGRAM. A person licensed as a wholesale drug distributor or
16 device distributor under Chapter 431 may distribute hypodermic
17 needles and syringes to a disease control program authorized by
18 this subchapter.

19 Sec. 81.403. HANDLING OF NEEDLES AND SYRINGES. (a) The
20 operator of a disease control program shall store hypodermic
21 needles and syringes in a proper and secure manner. Only authorized
22 employees or volunteers of the disease control program may have
23 access to the hypodermic needles and syringes. Program clients may
24 obtain hypodermic needles and syringes only from an authorized
25 employee or volunteer.

26 (b) The operator of a disease control program authorized by
27 this subchapter shall store and dispose of used hypodermic needles

1 and syringes in accordance with board rule.

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

4 (g) It is a defense to prosecution under Subsections (a) and
5 (b) that:

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

9 (2) the person:

10 (A) uses, possesses, or delivers hypodermic
11 needles or syringes that are delivered or are to be delivered
12 through a disease control program established under Subchapter J,
13 Chapter 81; and

14 (B) is an employee, volunteer, or participant of
15 the disease control program.

16 SECTION 3. The purpose of this Act is to authorize disease
17 control programs to combat the spread of infectious and
18 communicable diseases, including HIV, hepatitis B, and hepatitis C.

19 SECTION 4. (a) The change to Section 481.125, Health and
20 Safety Code, made by this Act applies only to an offense committed
21 on or after the effective date of this Act. For purposes of this
22 section, an offense is committed before the effective date of this
23 Act if any element of the offense occurs before the effective date.

24 (b) An offense committed before the effective date of this
25 Act is covered by the law in effect when the offense was committed,
26 and the former law is continued in effect for that purpose.

27 SECTION 5. This Act takes effect September 1, 2009.