

A BILL TO BE ENTITLED

AN ACT

relating to disease control programs to reduce the risk of certain communicable diseases.

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 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 operating a disease control program authorized by this subchapter

1 may charge a participant in the program a fee for each hypodermic
2 needle or syringe used in the program not to exceed 150 percent of
3 the actual cost of the hypodermic needle or syringe.

4 (c) A local health authority or other organization
5 operating 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 local health authority.

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

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

23 (b) The operator of a disease control program authorized by
24 this subchapter shall store and dispose of used hypodermic needles
25 and syringes in accordance with board rule.

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

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

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

6 (2) the person:

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

11 (B) presents evidence showing that the person is
12 an employee, volunteer, or participant of the disease control
13 program.

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

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

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

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