

1-1 By: Deuell, Van de Putte S.B. No. 188  
1-2 (In the Senate - Filed November 10, 2008; February 10, 2009,  
1-3 read first time and referred to Committee on Health and Human  
1-4 Services; March 9, 2009, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 7, Nays 2;  
1-6 March 9, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 188 By: Deuell

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to disease control programs to reduce the risk of certain  
1-11 communicable diseases.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Chapter 81, Health and Safety Code, is amended by  
1-14 adding Subchapter J to read as follows:

1-15 SUBCHAPTER J. PROGRAMS TO REDUCE RISK  
1-16 OF CERTAIN COMMUNICABLE DISEASES

1-17 Sec. 81.401. DISEASE CONTROL PROGRAMS. (a) A local health  
1-18 authority or an organization that contracts with a county,  
1-19 municipality, hospital district, or other local governmental  
1-20 entity charged with protecting the public health may establish a  
1-21 disease control program that:

1-22 (1) provides for the anonymous exchange of used  
1-23 hypodermic needles and syringes for an equal number of new  
1-24 hypodermic needles and syringes;

1-25 (2) offers education on the transmission and  
1-26 prevention of communicable diseases, including HIV, hepatitis B,  
1-27 and hepatitis C; and

1-28 (3) assists program participants in obtaining  
1-29 health-related services, including substance abuse treatment  
1-30 services and blood-borne disease testing.

1-31 (b) A local health authority or other organization  
1-32 operating a disease control program authorized by this subchapter  
1-33 may charge a participant in the program a fee for each hypodermic  
1-34 needle or syringe used in the program not to exceed 150 percent of  
1-35 the actual cost of the hypodermic needle or syringe.

1-36 (c) A local health authority or other organization  
1-37 operating a disease control program authorized by this subchapter  
1-38 shall annually provide the department with information on the  
1-39 effectiveness of the program, the program's impact on reducing the  
1-40 spread of communicable diseases, including HIV, hepatitis B, and  
1-41 hepatitis C, and the program's effect on injected drug use in the  
1-42 area served by the local health authority.

1-43 Sec. 81.402. DISTRIBUTION OF NEEDLES AND SYRINGES TO  
1-44 PROGRAM. A person licensed as a wholesale drug distributor or  
1-45 device distributor under Chapter 431 may distribute hypodermic  
1-46 needles and syringes to a disease control program authorized by  
1-47 this subchapter.

1-48 Sec. 81.403. HANDLING OF NEEDLES AND SYRINGES. (a) The  
1-49 operator of a disease control program shall store hypodermic  
1-50 needles and syringes in a proper and secure manner. Only authorized  
1-51 employees or volunteers of the disease control program may have  
1-52 access to the hypodermic needles and syringes. Program clients may  
1-53 obtain hypodermic needles and syringes only from an authorized  
1-54 employee or volunteer.

1-55 (b) The operator of a disease control program authorized by  
1-56 this subchapter shall store and dispose of used hypodermic needles  
1-57 and syringes in accordance with board rule.

1-58 SECTION 2. Section 481.125, Health and Safety Code, is  
1-59 amended by adding Subsection (g) to read as follows:

1-60 (g) It is a defense to prosecution under Subsections (a) and  
1-61 (b) that:

1-62 (1) the person manufactures hypodermic needles or  
1-63 syringes that are delivered or are to be delivered through a disease

2-1 control program established under Subchapter J, Chapter 81; or  
 2-2 (2) the person:  
 2-3 (A) uses, possesses, or delivers hypodermic  
 2-4 needles or syringes that are delivered or are to be delivered  
 2-5 through a disease control program established under Subchapter J,  
 2-6 Chapter 81; and  
 2-7 (B) presents evidence showing that the person is  
 2-8 an employee, volunteer, or participant of the disease control  
 2-9 program.

2-10 SECTION 3. The purpose of this Act is to authorize disease  
 2-11 control programs to combat the spread of infectious and  
 2-12 communicable diseases, including HIV, hepatitis B, and hepatitis C.

2-13 SECTION 4. (a) The change to Section 481.125, Health and  
 2-14 Safety Code, made by this Act applies only to an offense committed  
 2-15 on or after the effective date of this Act. For purposes of this  
 2-16 section, an offense is committed before the effective date of this  
 2-17 Act if any element of the offense occurs before the effective date.

2-18 (b) An offense committed before the effective date of this  
 2-19 Act is covered by the law in effect when the offense was committed,  
 2-20 and the former law is continued in effect for that purpose.

2-21 SECTION 5. This Act takes effect September 1, 2009.

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