

Amend CSHB 2229 (house committee printing) as follows:

(1) On page 2, line 14, between "program" and the period, insert "and in the establishment of at least one pilot program for infectious disease prevention that gathers evidence-based data to provide guidance and support for future programs to mitigate and prevent the spread of infectious disease".

(2) Insert the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS appropriately:

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

SUBCHAPTER J. PILOT PROGRAMS TO REDUCE RISK

OF CERTAIN COMMUNICABLE DISEASES

Sec. 81.401. APPLICABILITY. This subchapter applies only to a county with a population of more than 1.5 million.

Sec. 81.402. DISEASE CONTROL PILOT PROGRAMS. (a) A local health authority or an organization that contracts with a local health authority may establish a disease control pilot program that:

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

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

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

(b) The operator of a pilot program authorized by this subchapter may charge a participant in the pilot program a fee for each hypodermic needle or syringe used in the pilot program not to exceed 150 percent of the actual cost of the hypodermic needle or syringe.

(c) Not later than December 1, 2012, the operator of a pilot program authorized by this subchapter shall provide the legislature with information on:

(1) the effectiveness of the pilot program;

(2) the pilot program's impact on reducing the spread

of communicable diseases, including HIV, hepatitis B, and hepatitis C; and

(3) the pilot program's effect on injected drug use in the area served by the program.

Sec. 81.403. DISTRIBUTION OF NEEDLES AND SYRINGES TO PILOT PROGRAM. A person licensed as a wholesale drug distributor or device distributor under Chapter 431 may distribute hypodermic needles and syringes to a disease control pilot program authorized by this subchapter.

Sec. 81.404. HANDLING OF NEEDLES AND SYRINGES. (a) The operator of a disease control pilot program shall store hypodermic needles and syringes in a proper and secure manner. Only authorized employees or volunteers of the disease control pilot program may have access to the hypodermic needles and syringes. Pilot program clients may obtain hypodermic needles and syringes only from an authorized employee or volunteer.

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

Sec. 81.405. EXPIRATION OF SUBCHAPTER. This subchapter expires September 1, 2013.

SECTION \_\_\_\_\_. (a) Section 481.125, Health and Safety Code, is amended by adding Subsections (g) and (h) to read as follows:

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

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

(2) the person:

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

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

(h) This subsection and Subsection (g) expire September 1, 2013.

(b) The change to Section 481.125, Health and Safety Code, made by this section applies only to an offense committed on or after the effective date of this section. For purposes of this section, an offense is committed before the effective date of this section if any element of the offense occurs before the effective date.

(c) An offense committed before the effective date of this section is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose.

(d) The expiration of Section 481.125(g), Health and Safety Code, as added by this Act, does not affect the availability of a defense to prosecution under that subsection for an offense committed before the expiration of that subsection, and the expired law is continued in effect for that purpose.