

By: McClendon

H.B. No. 117

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to disease control outreach programs to reduce the risk of  
3 certain communicable diseases.

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

5 SECTION 1. The legislature finds that because drug abuse  
6 has been a tragedy for many Texas families, it is imperative that  
7 individuals addicted to drugs receive education and treatment for  
8 addiction. Working with community-based and faith-based  
9 organizations creates a network of support for Texas families and  
10 the opportunity to intervene in drug addiction. Members of  
11 community-based and faith-based organizations have a strong desire  
12 to compassionately work to preserve lives and offer help to those  
13 stricken with disease and drug addiction.

14 Allowing for the operation of disease control outreach  
15 programs will reduce the transmission of bloodborne diseases, such  
16 as hepatitis C, hepatitis B, and HIV/AIDS, and provide clients with  
17 referrals to appropriate health and social services. An outreach  
18 program created under this Act shall provide necessary access to  
19 primary health care, ensure safe and sterile disposal of used  
20 syringes and needles, and protect the public health. In addition,  
21 outreach program goals may include reduced rates of intravenous  
22 drug use and a reduced number of injuries to innocent victims, first  
23 responders, and law enforcement due to needle sticks from  
24 improperly disposed-of needles. Additionally, it is the intent of

1 the legislature that there will be increased access to drug  
2 treatment centers, an increased likelihood of successful treatment  
3 for addiction, and increased protection of public health and  
4 safety.

5 SECTION 2. Chapter 81, Health and Safety Code, is amended by  
6 adding Subchapter J to read as follows:

7 SUBCHAPTER J. OUTREACH PROGRAMS TO REDUCE RISK OF CERTAIN  
8 COMMUNICABLE DISEASES

9 Sec. 81.401. APPLICABILITY OF SUBCHAPTER. This subchapter  
10 applies only to a county with a population of 300,000 or more.

11 Sec. 81.402. DISEASE CONTROL OUTREACH PROGRAMS. (a) A  
12 local health authority or an organization that contracts with a  
13 county, municipality, hospital district, or other local  
14 governmental entity charged with protecting the public health may  
15 establish a disease control outreach program that:

16 (1) assists outreach program participants in  
17 obtaining health care and other physical and mental health-related  
18 services, including substance abuse treatment services and  
19 bloodborne disease testing;

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

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

26 (b) A local health authority or other organization  
27 operating a disease control outreach program authorized by this

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

5 (c) A local health authority or other organization  
6 operating a disease control outreach program authorized by this  
7 subchapter shall annually provide the department with information  
8 on:

9 (1) the effectiveness of the disease control outreach  
10 program, including:

11 (A) the number of clients served by the program;

12 and

13 (B) the methods of distribution;

14 (2) the disease control outreach program's impact on  
15 reducing the spread of communicable diseases, such as hepatitis C,  
16 hepatitis B, and HIV, including:

17 (A) the number of syringes collected and the  
18 number of syringes disposed of through the program;

19 (B) the number of referrals for testing for  
20 communicable diseases made by the program; and

21 (C) a list of the facilities to which individuals  
22 are referred by the program to receive testing described by  
23 Paragraph (B); and

24 (3) the disease control outreach program's effect on  
25 injected drug use in the area served by the local health authority,  
26 including:

27 (A) the number of referrals for substance abuse

1 treatment made by the program;

2 (B) a list of facilities to which individuals are  
3 referred by the program to receive substance abuse treatment; and

4 (C) other information specified by the  
5 department.

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

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

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

21 Sec. 81.405. FUNDING. (a) Except to the extent  
22 specifically prohibited by law, a county, municipality, hospital  
23 district, or other local governmental entity charged with  
24 protecting the public health may use public money to fund a disease  
25 control outreach program under Section 81.402(a).

26 (b) Except to the extent specifically prohibited by law, a  
27 county, municipality, hospital district, or other local

1 governmental entity charged with protecting the public health may  
2 solicit or accept gifts, grants, or donations to fund a disease  
3 control outreach program under Section 81.402(a).

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

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

8 (1) the person manufactures hypodermic needles or  
9 syringes that are delivered or are to be delivered through a disease  
10 control outreach program established under Subchapter J, Chapter  
11 81; or

12 (2) the person:

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

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

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

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

1 SECTION 5. This Act takes effect September 1, 2011.