

By: McClendon

H.B. No. 2529

A BILL TO BE ENTITLED

AN ACT

1
2 relating to disease control pilot 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 pilot programs
15 will reduce the transmission of blood borne diseases, such as
16 hepatitis C, hepatitis B, and HIV/AIDS, and provide clients with
17 referrals to appropriate health and social services. A pilot
18 program created under this Act may 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 pilot program goals may include reduced rates of intravenous drug
22 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. PROGRAMS TO REDUCE RISK OF CERTAIN COMMUNICABLE
8 DISEASES

9 Sec. 81.401. DISEASE CONTROL PROGRAMS. (a) A local health
10 authority or an organization that contracts with a county,
11 municipality, hospital district, or other local governmental
12 entity charged with protecting the public health may operate a
13 disease control pilot program in Bexar, Dallas, El Paso, Harris,
14 Nueces, Travis, and Webb Counties established by the county, and
15 funded by the county in addition to any revenue sources generated by
16 appropriately documented grants, gifts and donations, to prevent
17 the spread of HIV, hepatitis B, hepatitis C, and other infectious
18 and communicable diseases. The pilot programs may include disease
19 control outreach programs that provide for the anonymous exchange
20 of used hypodermic needles and syringes in association with
21 addiction recovery and restoration efforts. As part of their
22 outreach services, these programs are authorized to:

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

26 (2) offer education on the transmission and prevention
27 of communicable diseases, including HIV, hepatitis B, and hepatitis

1 C; and

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

5 (b) A local health authority or other organization
6 operating a disease control pilot program authorized by this
7 subchapter may charge a participant in the program a fee for each
8 hypodermic needle or syringe used in the program, not to exceed 150
9 percent of the actual cost of the hypodermic needle or syringe.

10 (c) A local health authority or other organization
11 operating a disease control pilot program authorized by this
12 subchapter shall annually provide the department with information
13 on the effectiveness of the outreach program, the program's impact
14 on reducing the spread of communicable diseases, including HIV,
15 hepatitis B, and hepatitis C, and the outcomes and impact on
16 injected drug use in the area served by the local health authority.

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

22 Sec. 81.403. HANDLING OF NEEDLES AND SYRINGES. (a) The
23 operator of a disease control pilot program shall store hypodermic
24 needles and syringes in a proper and secure manner. Only authorized
25 employees or volunteers of the disease control pilot program may
26 have access to the hypodermic needles and syringes, which may be
27 included in safe kits made available by the outreach program.

1 Program clients may obtain hypodermic needles and syringes and safe
2 kits only from an authorized employee or volunteer of the pilot
3 program.

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

7 SECTION 3. Section 481.125, Health and Safety Code, is
8 amended by adding Subsections (g) and (h) to read as follows:

9 (g) Notwithstanding the other provisions of this section, a
10 person may dispense or deliver a hypodermic needle or syringe if
11 that person dispenses or delivers the needle or syringe for a
12 medical purpose. For the purposes of this subsection, "medical
13 purpose" includes the exchange of a hypodermic needle or syringe
14 for a used hypodermic needle or syringe in a program described by
15 Chapter 81, SUBCHAPTER J, Health and Safety Code, and Section
16 531.0972, Government Code.

17 (h) It is an exception to the application of Subsections (a)
18 and (b) that:

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

23 (2) the person:

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

1 (B) demonstrates or presents evidence that the
2 person is an employee, volunteer, duly authorized agent, or
3 participant of the disease control pilot program.

4 SECTION 4. Section 531.0972, Government Code, is amended to
5 read as follows:

6 Sec. 531.0972. PILOT PROGRAM TO PREVENT THE SPREAD OF
7 CERTAIN INFECTIOUS OR COMMUNICABLE DISEASES. The commission may
8 provide guidance to the local health authorities [~~authority~~] of
9 Bexar, Dallas, El Paso, Harris, Nueces, Travis, and Webb Counties
10 [~~County~~] in establishing a pilot program in each county, that is
11 funded in whole or in part by the county to prevent the spread of
12 HIV, hepatitis B, hepatitis C, and other infectious and
13 communicable diseases. The program may include a disease control
14 pilot program that provides for the anonymous exchange of used
15 hypodermic needles and syringes in association with addiction
16 recovery and restoration outreach efforts.

17 SECTION 5. (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 governed by the law in effect when the offense was committed,
24 and the former law is continued in effect for that purpose.

25 SECTION 6. This Act takes effect September 1, 2013.