

By: McClendon, Naishtat, Coleman,
J. Davis of Harris, Zerwas

H.B. No. 3238

Substitute the following for H.B. No. 3238:

By: Farias

C.S.H.B. No. 3238

A BILL TO BE ENTITLED

AN ACT

relating to disease control pilot programs to reduce the risk of
certain communicable diseases; authorizing a fee.

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

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

Allowing for the operation of disease control pilot programs
will reduce the transmission of bloodborne diseases, such as
HIV/AIDS, hepatitis B, and hepatitis C, and provide clients with
referrals to appropriate health and social services. A pilot
program created under this Act may provide necessary access to
primary health care, ensure safe and sterile disposal of used
syringes and needles, and protect the public health. In addition,
pilot program goals may include reduced rates of intravenous drug
use and a reduced number of injuries to innocent victims, first
responders, and law enforcement due to needle sticks from
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. Section 531.0972, Government Code, is amended to
6 read as follows:

7 Sec. 531.0972. PILOT PROGRAM TO PREVENT THE SPREAD OF
8 CERTAIN INFECTIOUS OR COMMUNICABLE DISEASES. The commission may
9 provide guidance to the counties and the hospital districts in
10 those counties that establish [~~the local health authority of Bexar~~
11 ~~County in establishing~~] a pilot program under Subchapter J, Chapter
12 81, Health and Safety Code, [~~funded by the county~~] to prevent the
13 spread of HIV, hepatitis B, hepatitis C, and other infectious and
14 communicable diseases. The program may include a disease control
15 program that provides for the anonymous exchange of used hypodermic
16 needles and syringes.

17 SECTION 3. Chapter 81, Health and Safety Code, is amended by
18 adding Subchapter J to read as follows:

19 SUBCHAPTER J. PILOT PROGRAMS TO REDUCE RISK OF CERTAIN
20 COMMUNICABLE DISEASES

21 Sec. 81.401. APPLICABILITY OF SUBCHAPTER. This subchapter
22 applies only to Bexar, Dallas, El Paso, Harris, Nueces, Travis, and
23 Webb Counties and hospital districts in those counties.

24 Sec. 81.402. DISEASE CONTROL PILOT PROGRAMS. (a) A county,
25 a hospital district in the county, or an organization that
26 contracts with a county or hospital district to operate a program
27 under this subchapter may establish a disease control pilot program

1 to prevent the spread of HIV, hepatitis B, hepatitis C, and other
2 infectious and communicable diseases. The program may include
3 disease control outreach programs that:

4 (1) provide for the anonymous exchange of used
5 hypodermic needles and syringes for an equal number of new
6 hypodermic needles and syringes;

7 (2) offer education on the transmission and prevention
8 of communicable diseases, including HIV, hepatitis B, and hepatitis
9 C; and

10 (3) assist program participants in obtaining health
11 care and other physical and mental health-related services,
12 including substance abuse treatment services and bloodborne
13 disease testing.

14 (b) A county, hospital district, or other organization
15 operating a disease control pilot program authorized by this
16 subchapter may charge a participant in the program a fee for each
17 hypodermic needle or syringe used in the program not to exceed 150
18 percent of the actual cost of the hypodermic needle or syringe.

19 (c) A county, hospital district, or other organization
20 operating a disease control pilot program authorized by this
21 subchapter shall annually provide the department with information
22 on:

23 (1) the effectiveness of the program;

24 (2) the program's impact on reducing the spread of
25 communicable diseases, including HIV, hepatitis B, and hepatitis C;
26 and

27 (3) the program's effect on injected drug use in the

1 area served by the county or hospital district.

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

7 Sec. 81.404. HANDLING OF NEEDLES AND SYRINGES. (a) In
8 this section, "safe kit" means a package given by a disease control
9 pilot program to a program participant that may include:

10 (1) alcohol swabs;

11 (2) a condom;

12 (3) cotton swabs;

13 (4) a hypodermic needle or syringe; and

14 (5) a tourniquet.

15 (b) The operator of a disease control pilot program shall
16 store hypodermic needles and syringes in a proper and secure
17 manner. Only authorized employees or volunteers of the program may
18 have access to the hypodermic needles and syringes. The hypodermic
19 needles and syringes may be included in safe kits made available
20 through the program. Program clients may obtain hypodermic needles
21 and syringes and safe kits only from an authorized employee or
22 volunteer.

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

26 Sec. 81.405. FUNDING. (a) Except to the extent
27 specifically prohibited by law, a county or hospital district may

1 use public money to fund a disease control pilot program under
2 Section 81.402(a).

3 (b) Except to the extent specifically prohibited by law, a
4 county or hospital district may solicit or accept gifts, grants, or
5 donations to fund a disease control pilot program under Section
6 81.402(a).

7 Sec. 81.406. EXPIRATION. This subchapter expires on
8 September 1, 2023.

9 SECTION 4. Section 481.125, Health and Safety Code, is
10 amended by adding Subsections (g), (h), and (i) to read as follows:

11 (g) It is an exception to the application of Subsections (a)
12 and (b) that the person dispenses or delivers a hypodermic needle or
13 syringe for a medical purpose. For the purposes of this subsection,
14 "medical purpose" includes the exchange of a hypodermic needle or
15 syringe for a used hypodermic needle or syringe in a program
16 described by Subchapter J, Chapter 81.

17 (h) It is an exception to the application of Subsections (a)
18 and (b) that the person manufactures hypodermic needles or syringes
19 for delivery to a disease control pilot program described by
20 Subchapter J, Chapter 81.

21 (i) It is an exception to the application of Subsections (a)
22 and (b) that the person is an employee, volunteer, duly authorized
23 agent, or participant of a disease control pilot program described
24 by Subchapter J, Chapter 81, and uses, possesses, or delivers a
25 hypodermic needle or syringe as part of the program.

26 SECTION 5. (a) The change to Section 481.125, Health and
27 Safety Code, made by this Act applies only to an offense committed

1 on or after the effective date of this Act. For purposes of this
2 section, an offense is committed before the effective date of this
3 Act if any element of the offense occurs before the effective date.

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

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