

By: McClendon

H.B. No. 3238

A BILL TO BE ENTITLED

AN ACT

relating to county or county hospital district disease control
pilot programs to reduce the risk of certain communicable diseases.

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 blood borne diseases, such as
hepatitis C, hepatitis B, and HIV/AIDS, 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. Chapter 81, Health and Safety Code, is amended by
6 adding Subchapter J to read as follows:

7 SUBCHAPTER J.

8 COUNTY PROGRAMS TO REDUCE RISK OF CERTAIN COMMUNICABLE DISEASES

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

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

27 (2) offer education on the transmission and prevention

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

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

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

(c) A county, county hospital district, or an organization that contracts with a county or a county hospital district operating a disease control pilot program authorized by this subchapter, shall annually provide the department with information on the effectiveness of the outreach program, the program's impact on reducing the spread of communicable diseases, including HIV, hepatitis B, and hepatitis C, and the outcomes and impact on injected drug use in the area served by the county or county hospital district.

Sec. 81.402. DISTRIBUTION OF NEEDLES AND SYRINGES TO 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. 81.403. 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, which may be included in safe kits made available by the outreach program. Program clients may obtain hypodermic needles and syringes and safe kits only from an authorized employee or volunteer of the pilot program.

(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 board rule.

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

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

(h) It is an exception to the application of 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:

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

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

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

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

22 SECTION 5. (a) The change to Section 481.125, Health and
23 Safety Code, made by this Act applies only to an offense committed
24 on or after the effective date of this Act. For purposes of this
25 section, an offense is committed before the effective date of this
26 Act if any element of the offense occurs before the effective date.

27 (b) An offense committed before the effective date of this

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1 Act is governed by the law in effect when the offense was committed,
2 and the former law is continued in effect for that purpose.

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