



SENATE
HOUSE OF REPRESENTATIVES

BY: Ruth McClendon

FLOOR AMENDMENT NO. _____

1 Amend S.B. No. 200 by adding the following appropriately
2 numbered SECTIONS to the bill and renumbering SECTIONS of the bill
3 accordingly:

4 SECTION _____. Section 531.0972, Government Code, is amended
5 to 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 counties and the hospital districts in
9 those counties that establish [~~the local health authority of Bexar~~
10 ~~County in establishing~~] a pilot program under Subchapter J, Chapter
11 81, Health and Safety Code, [funded by the county] to prevent the
12 spread of HIV, hepatitis B, hepatitis C, and other infectious and
13 communicable diseases. The program may include a disease control
14 program that provides for the anonymous exchange of used hypodermic
15 needles and syringes.

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

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

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

23 Sec. 81.402. DISEASE CONTROL PILOT PROGRAMS. (a) A county
24 or hospital district may authorize an organization to establish a
25 disease control pilot program under this subchapter to prevent the
26 spread of HIV, hepatitis B, hepatitis C, and other infectious and
27 communicable diseases. The pilot program may include disease
28 control outreach programs that:

29 (1) provide for the anonymous exchange of used

hypodermic needles and syringes for an equal number of new hypodermic needles and syringes;

(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 care and other physical and mental health-related services, including substance abuse treatment services and bloodborne disease testing.

(b) As part of the pilot program under Subsection (a), a county or hospital district by order or similar measure may authorize an organization to register with the county or hospital district to distribute hypodermic needles and syringes for the purpose of controlling the spread of certain bloodborne communicable diseases. The county or hospital district may charge a reasonable fee for registration under this subchapter to pay for oversight functions, including coordination with law enforcement personnel.

(c) An organization 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.

(d) An organization operating a disease control pilot program authorized by this subchapter shall annually provide the department and the county or hospital district authorizing the program with information on:

(1) the effectiveness of the program;

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

1 (3) the program's effect on injected drug use in the
2 area served by the county or hospital district.

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

8 Sec. 81.404. HANDLING OF NEEDLES AND SYRINGES. (a) An
9 organization operating a disease control pilot program shall store
10 hypodermic needles and syringes in a proper and secure manner. Only
11 authorized employees or volunteers of the program may have access
12 to the hypodermic needles and syringes. The hypodermic needles and
13 syringes may be included in packaged safe kits made available to
14 program clients through the program. Program clients may obtain
15 hypodermic needles and syringes and safe kits only from an
16 authorized employee or volunteer of the program.

17 (b) An organization operating a disease control pilot
18 program authorized by this subchapter shall store and dispose of
19 used hypodermic needles and syringes in accordance with applicable
20 state laws and administrative rules governing the safe and proper
21 disposal of medical waste.

22 Sec. 81.405. FUNDING. Except to the extent specifically
23 prohibited by law, an organization may solicit or accept gifts,
24 grants, or donations to fund a disease control pilot program under
25 Section 81.402(a).

26 Sec. 81.406. EXPIRATION. This subchapter expires September
27 1, 2025.

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

30 (g) Subsections (a) and (b) do not apply to a person who
31 dispenses or delivers a hypodermic needle or syringe for a medical

1 purpose. For the purposes of this subsection, "medical purpose"
2 includes the exchange of a hypodermic needle or syringe for a used
3 hypodermic needle or syringe in a disease control pilot program
4 described by Subchapter J, Chapter 81.

5 (h) Subsections (a) and (b) do not apply to a person who
6 manufactures hypodermic needles or syringes for delivery to a
7 disease control pilot program described by Subchapter J, Chapter
8 81.

9 (i) Subsections (a) and (b) do not apply to a person who is
10 an employee, volunteer, duly authorized agent, or participant of a
11 disease control pilot program described by Subchapter J, Chapter
12 81, and uses, possesses, or delivers a hypodermic needle or syringe
13 as part of the program.

14 SECTION _____. (a) The change to Section 481.125, Health and
15 Safety Code, made by this Act applies only to an offense committed
16 on or after the effective date of this Act. For purposes of this
17 section, an offense is committed before the effective date of this
18 Act if any element of the offense occurs before the effective date.

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