

By: McClendon, Naishtat, Zerwas, Coleman,
et al.

H.B. No. 65

A BILL TO BE ENTITLED

1 AN ACT
2 relating to disease control pilot programs to reduce the risk of
3 certain communicable diseases; authorizing fees.

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 bloodborne diseases, such as
16 HIV/AIDS, hepatitis B, and hepatitis C, 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 caused by needle sticks from
24 improperly disposed-of needles. Additionally, it is the intent of

1 the legislature that the pilot program will increase access to drug
2 treatment centers, increase the likelihood of successful
3 treatments for addiction, and protect the public health and safety.

4 SECTION 2. 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 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 3. Chapter 81, Health and Safety Code, is amended by
17 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

1 control outreach programs that:

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

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

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

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

21 (c) An organization operating a disease control pilot
22 program authorized by this subchapter may charge a participant in
23 the program a fee for each hypodermic needle or syringe used in the
24 program not to exceed 150 percent of the actual cost of the
25 hypodermic needle or syringe.

26 (d) An organization operating a disease control pilot
27 program authorized by this subchapter shall annually provide the

1 department and the county or hospital district authorizing the
2 program with information on:

3 (1) the effectiveness of the program;

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

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

9 Sec. 81.403. DISTRIBUTION OF NEEDLES AND SYRINGES TO PILOT
10 PROGRAM. A person licensed as a wholesale drug distributor or
11 device distributor under Chapter 431 may distribute hypodermic
12 needles and syringes to a disease control pilot program authorized
13 by this subchapter.

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

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

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

5 Sec. 81.406. EXPIRATION. This subchapter expires September
6 1, 2025.

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

9 (g) Subsections (a) and (b) do not apply to a person who
10 dispenses or delivers a hypodermic needle or syringe for a medical
11 purpose. For the purposes of this subsection, "medical purpose"
12 includes the exchange of a hypodermic needle or syringe for a used
13 hypodermic needle or syringe in a disease control pilot program
14 described by Subchapter J, Chapter 81.

15 (h) Subsections (a) and (b) do not apply to a person who
16 manufactures hypodermic needles or syringes for delivery to a
17 disease control pilot program described by Subchapter J, Chapter
18 81.

19 (i) Subsections (a) and (b) do not apply to a person who is
20 an employee, volunteer, duly authorized agent, or participant of a
21 disease control pilot program described by Subchapter J, Chapter
22 81, and uses, possesses, or delivers a hypodermic needle or syringe
23 as part of the program.

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

1 Act if any element of the offense occurs before the effective date.

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

5 SECTION 6. This Act takes effect September 1, 2015.