

By: McClendon

H.B. No. 65

A BILL TO BE ENTITLED

AN ACT

1
2 relating to disease control pilot programs to reduce the risk of
3 certain communicable diseases; authorizing a fee.

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

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

21 Sec. 81.405. FUNDING. (a) Except to the extent
22 specifically prohibited by law, a county or hospital district may
23 use public money to fund a disease control pilot program under
24 Section 81.402(a).

25 (b) Except to the extent specifically prohibited by law, a
26 county or hospital district may solicit or accept gifts, grants, or
27 donations to fund a disease control pilot program under Section

1 81.402(a).

2 Sec. 81.406. EXPIRATION. This subchapter expires September
3 1, 2025.

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

6 (g) It is an exception to the application of Subsections (a)
7 and (b) that the person dispenses or delivers a hypodermic needle or
8 syringe for a medical purpose. For the purposes of this subsection,
9 "medical purpose" includes the exchange of a hypodermic needle or
10 syringe for a used hypodermic needle or syringe in a disease control
11 pilot program described by Subchapter J, Chapter 81.

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

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

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

26 (b) An offense committed before the effective date of this
27 Act is governed by the law in effect when the offense was committed,

1 and the former law is continued in effect for that purpose.

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