

BILL ANALYSIS

Senate Research Center
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H.B. 283
By: Herrero et al. (Hinojosa)
Veteran Affairs & Border Security
5/11/2017
Committee Report (Amended)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Many service members and veterans who served in certain conflicts abroad have been exposed to open air burn pit smoke or other airborne hazards during their service causing serious and potentially fatal health issues. Concerns have been raised regarding the level of outreach to such service members and veterans regarding resources that may be available to them.

H.B. 283 establishes the Texas Open Burn Pit Registry to facilitate outreach, education, and advocacy related to health concerns as a result of exposure to burn pit smoke or other airborne hazards. There is no federal or state outreach effort to provide service members, who may have resulting health problems, with information on how to get help. Without outreach, veterans do not know what resources are available to them or what may have caused their health problems.

Veterans and active service members have been exposed to a number of toxins and hazardous materials in foreign conflicts. In more recent conflicts, since the Gulf War, service members have been exposed to open burn pits used to dispose of waste.

The United States Department of Veterans Affairs (VA) has recognized possible health effects, and in 2011 federal law created the Airborne Hazards and Open Burn Pit Registry. The registry is used to track related diseases, provide resources to veterans, assist with health care access, and conduct research.

The health issues related to exposure to open air burn pits may be temporary or long-term. Exposure to these toxins can cause issues with skin, eye, respiratory and cardiovascular systems, gastrointestinal tract, and internal organs, according to the VA. Exposure may also lead to illness years after return, such as constrictive bronchiolitis, skin cancer, colon cancer, memory loss, and headaches.

H.B. 283 amends current law relating to the creation of an open burn pit registry for certain service members and veterans.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 2 (Section 99.002, Health and Safety Code) and SECTION 3 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Requires that this Act be known as the Service Member and Veteran Open Burn Pit Registry Act.

SECTION 2. Amends Subtitle D, Title 2, Health and Safety Code, by adding Chapter 99, as follows:

CHAPTER 99. OPEN BURN PIT REGISTRY

Sec. 99.001. DEFINITIONS. Defines "airborne hazard," "open burn pit," "service member," and "veteran."

Sec. 99.002. RULES; MEMORANDUM OF UNDERSTANDING. Requires the executive commissioner of the Health and Human Services Commission (executive commissioner; HHSC) to adopt the rules necessary to administer this chapter and authorizes the executive commissioner to enter into a memorandum of understanding with the United States Department of Veteran Affairs (VA) as necessary to administer this chapter.

Sec. 99.003. OPEN BURN PIT REGISTRY. (a) Requires the Department of State Health Services (DSHS), for outreach, education, and advocacy related to exposure to open burn pit smoke or other airborne hazards by service members and veterans in this state, to create and maintain an open burn pit registry of service members and veterans who were exposed to open burn pit smoke or other airborne hazards during their military service in certain conflicts or theaters.

(b) Requires DSHS to include certain information for each entry in the open burn pit registry.

(c) Requires DSHS to share the information included in DSHS's open burn pit registry with the VA Airborne Hazards and Open Burn Pit Registry and electronically link the open burn pit registry created under this chapter with the federal registry.

Sec. 99.004. VOLUNTARY REGISTRATION. Authorizes a service member or veteran described by Section 99.003, or a family member of that service member or veteran, to voluntarily register a case of exposure to open burn pit smoke or other airborne hazards with DSHS for inclusion in the registry.

Sec. 99.005. CONFIDENTIALITY. Provides that entries and information obtained under this chapter are confidential and are not subject to disclosure under Chapter 552 (Public Information), Government Code, are not subject to subpoena, and are prohibited from being otherwise released or made public except as provided by this section or Section 99.003.

Sec. 99.006. OPEN BURN PIT INFORMATION. Requires DSHS, with the assistance of the Texas Veterans Commission, to develop and include on its Internet website information to inform service members, veterans, and their families about the:

(1) registration and use of DSHS's open burn pit registry and the VA Airborne Hazards and Open Burn Pit Registry;

(2) most recent scientific developments on the health effects of exposure to open burn pit smoke and other airborne hazards and the status of any illness or condition that is presumed to be caused by exposure to open burn pit smoke or other airborne hazards as designated by the VA;

(3) availability of any treatment offered by the VA for an illness or condition that may be caused by exposure to open burn pit smoke or other airborne hazards;

(4) process for applying to the VA for service-related disability compensation for an illness or condition that may be related to exposure to open burn pit smoke or other airborne hazards, including the methods for documenting the illness or condition; and

(5) manner of appealing to the VA an existing service-related disability rating decision or requesting an increased service-related disability rating based on an illness or condition that may be related to exposure to open burn pit smoke or other airborne hazards.

Sec. 99.007. REPORT. Requires DSHS, not later than December 1 of each even-numbered year following the creation of the registry, to submit a report to the appropriate standing committees of the house of representatives and senate that includes:

(1) an assessment of the effectiveness of collection and maintenance of information on the health effects of exposure to open burn pit smoke and other airborne hazards; and

(2) any recommendation to improve the collection and maintenance of information about the health effects of exposure to open burn pit smoke and other airborne hazards.

SECTION 3. (a) Requires the executive commissioner, not later than March 1, 2018, to adopt the rules and enter into any memorandum of understanding necessary to administer this Act.

(b) Requires DSHS, notwithstanding Section 99.007, Health and Safety Code, as added by this Act, not later than December 1, 2018, to submit an initial report under that section.

SECTION 4. Effective date: September 1, 2017.

SUMMARY OF COMMITTEE CHANGES

(1) Adds the following appropriately numbered SECTION to the bill and renumbers subsequent SECTIONS of the bill accordingly:

SECTION ___. Provides that DSHS is required to implement this Act only if the legislature appropriates money specifically for that purpose. Authorizes, but does not require, DSHS, if the legislature does not appropriate money specifically for that purpose, to implement this Act using other appropriations available for that purpose.