

## **BILL ANALYSIS**

C.S.H.B. 1816  
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Homeland Security & Public Safety  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Concerns have been raised that vehicles used by medical supply distributors to transport prescription drugs and other medical supplies to pharmacies and hospitals are not provided the same road access as emergency vehicles in a disaster area when these items are most scarce and in the highest demand. C.S.H.B. 1816 seeks to address these concerns by granting a vehicle used to transport these medical supplies to an emergency care facility, pharmacy, or licensed nursing home located in a disaster area access to highways, streets, and bridges under certain circumstances as if the vehicle were an emergency vehicle.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 1816 amends the Transportation Code to authorize a vehicle used by a medical supply distributor to transport prescription drugs and other medical supplies to an emergency care facility, pharmacy, or licensed nursing home located in an area declared a disaster area by the governor to have access to highways, streets, and bridges as if the transport vehicle were an emergency vehicle if the transport vehicle will not negatively impact evacuation activities or any response or recovery activities in the disaster area. The bill requires the Texas Division of Emergency Management, not later than September 1, 2018, to establish procedures to assist medical supply distributors in accessing highways, streets, and bridges as so authorized and requires the division to provide medical supply distributors with documentation specifying that access. The bill expressly does not create a cause of action against a law enforcement officer involved in assisting a medical supply distributor for any harm done to the distributor resulting from that assistance.

### **EFFECTIVE DATE**

September 1, 2017.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 1816 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Chapter 546, Transportation Code, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. OPERATION OF MEDICAL SUPPLY TRANSPORT VEHICLES

Sec. 546.051. DEFINITIONS. In this subchapter:

- (1) "Emergency care facility" means a health care facility, including a freestanding emergency medical care facility, hospital, temporary emergency clinic, and trauma facility, that provides emergency medical care.
- (2) "Freestanding emergency medical care facility" means a facility licensed under Chapter 254, Health and Safety Code.
- (3) "Medical supply distributor" means a person authorized to transport prescription drugs and other medical supplies to emergency care facilities or pharmacies.

(4) "Pharmacy" has the meaning assigned by Section 551.003, Occupations Code.

(5) "Trauma facility" has the meaning assigned by Section 773.003, Health and Safety Code.

Sec. 546.052. MEDICAL SUPPLY TRANSPORT VEHICLES DURING DECLARED DISASTER. (a) A vehicle used by a medical supply distributor to transport prescription drugs and other medical supplies to an emergency care facility or pharmacy located in an area declared a disaster area by the governor under Chapter 418, Government Code, may have access to highways, streets, and bridges as if the transport vehicle were an emergency vehicle if:

- (1) law enforcement officials in the disaster area can provide adequate security to protect the prescription drugs and other medical supplies from theft;
- (2) the weight of the transport vehicle will not jeopardize the structural integrity of any highway, street, or bridge located in the disaster area; and
- (3) the transport vehicle will not negatively impact evacuation activities or any response or recovery activities in the disaster area.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Chapter 546, Transportation Code, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. OPERATION OF MEDICAL SUPPLY TRANSPORT VEHICLES

Sec. 546.051. DEFINITIONS. In this subchapter:

- (1) "Emergency care facility" means a health care facility, including a freestanding emergency medical care facility, hospital, temporary emergency clinic, and trauma facility, that provides emergency medical care.
- (2) "Freestanding emergency medical care facility" means a facility licensed under Chapter 254, Health and Safety Code.
- (3) "Medical supply distributor" means a person authorized to transport prescription drugs and other medical supplies to emergency care facilities or pharmacies.

(4) "Nursing home" means a facility licensed under Chapter 242, Health and Safety Code.

(5) "Pharmacy" has the meaning assigned by Section 551.003, Occupations Code.

(6) "Trauma facility" has the meaning assigned by Section 773.003, Health and Safety Code.

Sec. 546.052. MEDICAL SUPPLY TRANSPORT VEHICLES DURING DECLARED DISASTER. (a) A vehicle used by a medical supply distributor to transport prescription drugs and other medical supplies to an emergency care facility, pharmacy, or nursing home located in an area declared a disaster area by the governor under Chapter 418, Government Code, may have access to highways, streets, and bridges as if the transport vehicle were an emergency vehicle if

the transport vehicle will not negatively impact evacuation activities or any response or recovery activities in the disaster area.

(b) The Texas Division of Emergency Management shall:

(1) establish procedures to assist medical supply distributors in accessing highways, streets, and bridges as authorized by Subsection (a); and

(2) provide medical supply distributors with documentation specifying the distributors' access to highways, streets, and bridges as authorized by Subsection (a).

SECTION 2. Not later than September 1, 2018, the Texas Division of Emergency Management shall establish the procedures required by Section 546.052(b), Transportation Code, as added by this Act.

SECTION 3. This Act takes effect September 1, 2017.

(b) The Texas Division of Emergency Management shall:

(1) establish procedures to assist medical supply distributors in accessing highways, streets, and bridges as authorized by Subsection (a); and

(2) provide medical supply distributors with documentation specifying the distributors' access to highways, streets, and bridges as authorized by Subsection (a).

(c) This section does not create a cause of action against a law enforcement officer involved in assisting a medical supply distributor under this section for any harm done to the distributor resulting from that assistance.

SECTION 2. Substantially the same as introduced version.

SECTION 3. Same as introduced version.