

By: Rose, Wu, Zerwas, Rodriguez of Bexar,
Hinojosa

H.B. No. 3256

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the establishment by certain counties and hospital
3 districts of disease control pilot programs to reduce the risk of
4 certain infectious and communicable diseases; authorizing fees.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. The legislature finds that because drug abuse
7 has been a tragedy for many Texas families, it is imperative that
8 individuals addicted to drugs receive education about and treatment
9 for addiction. Cooperation with community-based and faith-based
10 organizations creates a network of support for Texas families and
11 the opportunity to intervene in drug addiction. Members of
12 community-based and faith-based organizations have a strong desire
13 to compassionately work to preserve lives and offer help to those
14 stricken with disease and drug addiction.

15 Allowing for the operation of disease control pilot programs
16 will reduce the transmission of bloodborne diseases, including
17 HIV/AIDS, hepatitis B, and hepatitis C, and provide clients with
18 referrals to appropriate health and social services. A pilot
19 program created under this Act may provide necessary access to
20 primary health care, ensure safe and sterile disposal of used
21 syringes and needles, and protect the public health. In addition,
22 pilot program goals may include reduced rates of intravenous drug
23 use and a reduced number of injuries to innocent victims, first
24 responders, and law enforcement caused by needle sticks from

1 improperly disposed needles. Additionally, it is the intent of the
2 legislature that the pilot program will increase access to drug
3 treatment centers, increase the likelihood of successful
4 treatments for addiction, and protect the public health and 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 AND ~~[OR]~~ COMMUNICABLE DISEASES. The commission
9 may provide guidance to the counties and hospital districts in
10 those counties that establish ~~[local health authority of Bexar~~
11 ~~County in establishing]~~ a pilot program under Subchapter K, 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 K to read as follows:

19 SUBCHAPTER K. PILOT PROGRAM TO REDUCE RISK OF CERTAIN COMMUNICABLE
20 DISEASES

21 Sec. 81.501. APPLICABILITY OF SUBCHAPTER. This subchapter
22 applies only to Bexar, Dallas, Harris, and Travis Counties and
23 hospital districts in those counties.

24 Sec. 81.502. DISEASE CONTROL PILOT PROGRAM. (a) A county
25 or hospital district may authorize an organization to establish a
26 disease control pilot program under this subchapter to prevent the
27 spread of HIV, hepatitis B, hepatitis C, and other infectious and

1 communicable diseases. The pilot program may include disease
2 control outreach programs that:

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

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

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

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

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

27 (d) An organization operating a disease control pilot

1 program authorized by this subchapter shall annually provide the
2 department and the county or hospital district authorizing the
3 program with information on:

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

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

10 Sec. 81.503. DISTRIBUTION OF NEEDLES AND SYRINGES TO PILOT
11 PROGRAM. A person licensed as a wholesale drug distributor or
12 device distributor under Chapter 431 may distribute hypodermic
13 needles and syringes to a disease control pilot program authorized
14 by this subchapter.

15 Sec. 81.504. HANDLING OF NEEDLES AND SYRINGES. (a) An
16 organization operating a disease control pilot program authorized
17 by this subchapter shall store hypodermic needles and syringes in a
18 proper and secure manner. Only authorized employees or volunteers
19 of the program may have access to the hypodermic needles and
20 syringes. The hypodermic needles and syringes may be included in
21 packaged safe kits made available to program clients through the
22 program. Program clients may obtain hypodermic needles and
23 syringes and safe kits only from an authorized employee or
24 volunteer of the program.

25 (b) An organization operating a disease control pilot
26 program authorized by this subchapter shall store and dispose of
27 used hypodermic needles and syringes in accordance with applicable

1 state laws and administrative rules governing the safe and proper
2 disposal of medical waste.

3 Sec. 81.505. FUNDING. Except to the extent specifically
4 prohibited by law, an organization may solicit or accept gifts,
5 grants, or donations to fund a disease control pilot program under
6 Section 81.502(a).

7 Sec. 81.506. EXPIRATION. This subchapter expires September
8 1, 2027.

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

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

17 (h) Subsections (a) and (b) do not apply to a person who
18 manufactures hypodermic needles or syringes for delivery to a
19 disease control pilot program described by Subchapter K, Chapter
20 [81](#).

21 (i) Subsections (a) and (b) do not apply to a person who is
22 an employee, volunteer, duly authorized agent, or participant of a
23 disease control pilot program described by Subchapter K, Chapter
24 [81](#), and uses, possesses, or delivers a hypodermic needle or syringe
25 as part of the program.

26 SECTION 5. The change to Section [481.125](#), Health and Safety
27 Code, made by this Act applies only to an offense committed on or

1 after the effective date of this Act. An offense committed before
2 the effective date of this Act is governed by the law in effect when
3 the offense was committed, and the former law is continued in effect
4 for that purpose. For purposes of this section, an offense is
5 committed before the effective date of this Act if any element of
6 the offense occurs before the effective date.

7 SECTION 6. This Act takes effect September 1, 2017.