

By: Miles

S.B. No. 1601

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the establishment by certain counties and
3 municipalities of disease control 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. Section 531.0972, Government Code, is amended to
7 read as follows:

8 Sec. 531.0972. [~~PILOT~~] PROGRAM TO PREVENT [~~THE~~] SPREAD OF
9 CERTAIN INFECTIOUS OR COMMUNICABLE DISEASES. The Department of
10 State Health Services [~~commission~~] may provide guidance to the
11 counties and municipalities that establish [~~local health authority~~
12 ~~of Bexar County in establishing~~] a [~~pilot~~] program under Subchapter
13 K, Chapter 81, Health and Safety Code, [~~funded by the county~~] to
14 prevent the spread of HIV, hepatitis B, hepatitis C, and other
15 infectious and communicable diseases. The program may include a
16 disease control program that provides for the anonymous exchange of
17 used hypodermic needles and syringes.

18 SECTION 2. Chapter 81, Health and Safety Code, is amended by
19 adding Subchapter K to read as follows:

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

22 Sec. 81.501. DEFINITIONS. In this subchapter:

23 (1) "Organization" means an entity authorized by a
24 county or municipality to operate a program under this subchapter.

1 (2) "Program" means a program established under this
2 subchapter to control through needle exchange the spread of HIV,
3 hepatitis B, hepatitis C, or other infectious and communicable
4 diseases.

5 Sec. 81.502. AUTHORITY TO ESTABLISH PROGRAM. (a) An
6 organization may operate a program in a county or municipality in
7 which a public health emergency described by Subsection (b) is
8 declared by the commissioner.

9 (b) The commissioner may declare a public health emergency
10 in a county or municipality if a county or municipality
11 demonstrates that:

12 (1) an epidemic of HIV, hepatitis B, hepatitis C, or
13 other infectious and communicable diseases exists in the county or
14 municipality;

15 (2) the primary cause of the transmission of HIV,
16 hepatitis B, hepatitis C, or other infectious and communicable
17 diseases is intravenous drug use;

18 (3) other measures used to control the epidemic are
19 unsuccessful; and

20 (4) a needle exchange program is a medically
21 appropriate component of a comprehensive response to the epidemic.

22 (c) To request the department declare a public health
23 emergency, the commissioners court of a county or the governing
24 body of a municipality shall:

25 (1) conduct a public hearing and allow public
26 testimony on HIV, hepatitis B, hepatitis C, or other infectious and
27 communicable diseases in the county or municipality;

1 (2) issue an order requesting the department to
2 declare a public health emergency in the county or municipality
3 with facts supporting the declaration; and

4 (3) submit to the department an official request and
5 supporting evidence for the department to declare a public health
6 emergency in the county or municipality.

7 (d) On receipt of a request by a county or municipality to
8 declare a public health emergency under this subchapter, the
9 commissioner shall:

10 (1) approve, deny, or request additional information
11 from the county or municipality concerning the request not later
12 than the 10th day after the date the request is received by the
13 department; or

14 (2) if additional information is requested by the
15 department, approve or deny a request not later than the 10th day
16 after the additional information is received.

17 (e) A public health emergency declared under this section
18 remains in effect until the first anniversary of the date the
19 emergency is declared.

20 (f) The commissioner may extend a declaration of a public
21 health emergency at the request of the county or municipality that
22 is the subject of the declaration.

23 Sec. 81.503. REGISTRATION REQUIRED. An organization shall
24 register with the department and the county or municipality in
25 which the organization is applying to operate a program to
26 distribute hypodermic needles and syringes for the purpose of
27 controlling the spread of HIV, hepatitis B, hepatitis C, or other

1 infectious and communicable diseases. The department, county, or
2 municipality may charge a reasonable fee for registration under
3 this subchapter to pay for oversight functions, including
4 coordination with law enforcement personnel.

5 Sec. 81.504. PROGRAM OPERATION. A qualified organization
6 that is registered to provide a program in a county or municipality
7 shall:

8 (1) operate the program in a manner consistent with
9 public health and safety and under the supervision of a physician,
10 physician assistant, or nurse licensed to practice in this state;

11 (2) ensure the program is medically appropriate and
12 part of a comprehensive public health response;

13 (3) provide for the anonymous exchange of used
14 hypodermic needles and syringes for an equal number of new
15 hypodermic needles and syringes; and

16 (4) provide:

17 (A) education and training on responding to and
18 treating a drug overdose, including the administration of an
19 overdose intervention drug;

20 (B) information on options for drug
21 rehabilitation treatment; and

22 (C) assistance to program participants with
23 obtaining drug rehabilitation treatment, including treatment
24 programs located in the county or municipality in which the program
25 operates and treatment programs that offer medication-assisted
26 treatment using a medication that is:

27 (i) approved by the United States Food and

1 Drug Administration for use in opioid or alcohol dependence
2 treatment; and

3 (ii) long-acting and nonaddictive.

4 Sec. 81.505. DISTRIBUTION OF NEEDLES AND SYRINGES TO
5 PROGRAM. A person licensed as a wholesale drug distributor or
6 device distributor under Chapter 431 may distribute hypodermic
7 needles and syringes to a program authorized by this subchapter.

8 Sec. 81.506. HANDLING OF NEEDLES AND SYRINGES. (a) An
9 organization operating a program authorized by this subchapter
10 shall store hypodermic needles and syringes in a proper and secure
11 manner. Only authorized employees or volunteers of the program may
12 have access to the hypodermic needles and syringes. The hypodermic
13 needles and syringes may be included in packaged safe kits made
14 available to program clients through the program. Program clients
15 may obtain hypodermic needles and syringes and safe kits only from
16 an authorized employee or volunteer of the program.

17 (b) An organization operating a program authorized by this
18 subchapter shall store and dispose of used hypodermic needles and
19 syringes in accordance with applicable state laws and
20 administrative rules governing the safe and proper disposal of
21 medical waste.

22 Sec. 81.507. REQUIRED REPORTING BY ORGANIZATION. (a) An
23 organization operating a program under this subchapter shall submit
24 to the department a quarterly report that provides:

25 (1) the number of individuals served by the
26 organization each day;

27 (2) the number of hypodermic needles and syringes

1 collected by the organization each day;

2 (3) the number of hypodermic needles and syringes
3 distributed by the organization each day; and

4 (4) other information the department determines
5 necessary.

6 (b) The information required under Subsection (a) must
7 include the zip code of each location where the program distributed
8 or collected hypodermic needles and syringes.

9 Sec. 81.508. REVOCATION. If an organization fails to
10 comply with the requirements of this subchapter, the commissioners
11 court of the county or the governing body of the municipality in
12 which the organization is operating or the department may revoke
13 the organization's registration and authorization to operate a
14 program.

15 Sec. 81.509. USE OF STATE FUNDS. State funds may not be
16 used to purchase hypodermic needles or syringes under this
17 subchapter.

18 Sec. 81.510. DEPARTMENT REPORT. The department shall
19 annually submit to the legislature a report on:

20 (1) the effectiveness of the program;

21 (2) the program's impact on reducing the spread of HIV,
22 hepatitis B, hepatitis C, and other infectious and communicable
23 diseases; and

24 (3) the program's effect on intravenous drug use in the
25 area served by the county or municipality.

26 SECTION 3. Section 481.125, Health and Safety Code, is
27 amended by adding Subsections (g), (h), (i), and (j) to read as

1 follows:

2 (g) Subsections (a) and (b) do not apply to a person who
3 dispenses or delivers a hypodermic needle or syringe for a medical
4 purpose. For the purposes of this subsection, "medical purpose"
5 includes the exchange of a hypodermic needle or syringe for a used
6 hypodermic needle or syringe in a program described by Subchapter
7 K, Chapter 81.

8 (h) Subsections (a) and (b) do not apply to a person who
9 manufactures hypodermic needles or syringes for delivery to a
10 program described by Subchapter K, Chapter 81.

11 (i) Subsections (a) and (b) do not apply to a person who is
12 an employee, volunteer, duly authorized agent, or participant of a
13 program described by Subchapter K, Chapter 81, and uses, possesses,
14 or delivers a hypodermic needle or syringe as part of the program.

15 (j) A peace officer may not stop, search, or seize a person
16 or base probable cause solely because the person visits an
17 organization operating under Subchapter K, Chapter 81.

18 SECTION 4. The change to Section 481.125, Health and Safety
19 Code, made by this Act applies only to an offense committed on or
20 after the effective date of this Act. An offense committed before
21 the effective date of this Act is governed by the law in effect when
22 the offense was committed, and the former law is continued in effect
23 for that purpose. For purposes of this section, an offense is
24 committed before the effective date of this Act if any element of
25 the offense occurs before that date.

26 SECTION 5. This Act takes effect September 1, 2017.