

## **BILL ANALYSIS**

C.S.H.B. 306  
By: Herrero  
Defense & Veterans' Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

It has been noted that service members and veterans who served in certain conflicts abroad may have been exposed to open burn pit smoke or other airborne hazards during their service. C.S.H.B. 306 seeks to facilitate outreach and education related to health concerns resulting from exposure to open burn pit smoke or other airborne hazards by providing for the creation of an open burn pit registry.

### **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 rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 3 of this bill.

### **ANALYSIS**

C.S.H.B. 306 amends the Health and Safety Code to require the Department of State Health Services (DSHS) 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 specified conflicts or theaters. The bill authorizes such a service member or veteran, or a family member of that service member or veteran, to voluntarily register a case of exposure to such airborne hazards with DSHS for inclusion in the state registry. The bill requires DSHS to include for each entry in the registry the service member's or veteran's name, address, phone number, and electronic address; the location of the service member's or veteran's service and the period of service; any medical condition or death of the service member or veteran that may be related to exposure to airborne hazards; and any other information that DSHS or the U.S. Department of Veterans Affairs (VA) considers necessary. The bill requires DSHS to share the information included in the state registry with the federal VA Airborne Hazards and Open Burn Pit Registry and to electronically link the state registry with the federal registry. The bill makes entries in and information obtained for the state registry confidential and exempt from disclosure under state public information law. Those entries and that information are not subject to subpoena and may not otherwise be released or made public except to the VA as provided by the bill.

C.S.H.B. 306 requires DSHS, with the assistance of the Texas Veterans Commission, to develop and include on the DSHS website certain information relating to registration and use of the state registry and the federal registry; the health effects of exposure to airborne hazards, illnesses, or conditions presumed to be caused by such exposure and the availability of related treatment; the process for applying to the VA for service-related disability compensation for such an illness or condition; and the manner of appealing to the VA an existing service-related disability rating

decision or requesting an increased service-related disability rating based on such an illness or condition.

C.S.H.B. 306 requires DSHS, not later than December 1 of each even-numbered year following the creation of the state registry, to submit a report to the appropriate standing committees of the legislature that includes an assessment of the effectiveness of collection and maintenance of information on the health effects of exposure to airborne hazards and any recommendation to improve the collection and maintenance of information about the health effects of exposure to airborne hazards. The bill requires DSHS to submit an initial report by December 1, 2020.

C.S.H.B. 306 requires the executive commissioner of the Health and Human Services Commission, not later than March 1, 2020, to adopt the rules and enter into any memorandum of understanding with the VA necessary to administer the bill's provisions. The bill requires such a memorandum of understanding to ensure that the VA will maintain the confidentiality of a service member or veteran's personally identifying information that is submitted by DSHS to the VA.

### **EFFECTIVE DATE**

September 1, 2019.

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

While C.S.H.B. 306 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute clarifies that the entries in and information obtained for the state registry may only be released or made public to the VA and includes a requirement for the memorandum of understanding with the VA to ensure that the VA will maintain the confidentiality of a service member or veteran's personally identifying information.

The substitute does not include advocacy as a purpose of the registry.