

BILL ANALYSIS

C.S.H.B. 1722
By: Coleman
County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been reported that thousands of Texans died in a recent year from drug overdoses and that opioid-related deaths continue to hurt Texans in immeasurable ways. There are concerns about the correlation between substance abuse and contracting certain infectious and communicable diseases such as HIV, hepatitis B, and hepatitis C, particularly for those who share needles. It also has been noted that practices like needle exchange programs have shown to prevent the spread of such diseases while promoting access to health care and rehabilitation providers. C.S.H.B. 1722 seeks to allow counties and municipalities to establish disease control programs in response to a declared public health emergency, such as the opioid epidemic, to reduce the risk of certain infectious and communicable diseases.

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. 1722 amends the Health and Safety Code to authorize an organization to operate a program to control the spread of HIV, hepatitis B, hepatitis C, or other infectious and communicable diseases in a county or municipality in which a public health emergency, as described by the bill, is declared by the commissioner of state health services. The bill authorizes the commissioner to declare such an emergency in a county or municipality that demonstrates that such an infectious and communicable disease exists in the county or municipality, that a cause of the disease's transmission is intravenous drug use, and that a needle exchange program is an appropriate component of a comprehensive response to the emergency.

C.S.H.B. 1722 sets out requirements for the commissioners court of a county or the governing body of a municipality in requesting the declaration of a public health emergency and requires the commissioner, on receipt of such a request, to approve, deny, or request additional information from the county or municipality by specified deadlines. The bill establishes that a declared public health emergency remains in effect until the first anniversary of the date the emergency is declared and authorizes the commissioner to extend a declaration at the applicable county's or municipality's request.

C.S.H.B. 1722 requires an organization to register with the Department of State Health Services (DSHS) and the county or municipality in which the organization is applying to operate a program to distribute hypodermic needles and syringes for purposes of controlling the spread of

HIV, hepatitis B, hepatitis C, or other infectious and communicable diseases. The bill authorizes DSHS, the county, or the municipality to charge a reasonable registration fee to pay for oversight functions, including coordination with law enforcement personnel. The bill sets out requirements for a registered organization for the operation of such a program.

C.S.H.B. 1722 authorizes a person licensed as a wholesale drug distributor or device distributor under the Texas Food, Drug, and Cosmetic Act to distribute hypodermic needles and syringes to a program authorized under the bill's provisions and sets out requirements relating to the handling of needles and syringes in the operation of such a program and reporting requirements for an organization operating such a program. The bill authorizes DSHS or the applicable county commissioners court or municipal governing body to revoke an organization's registration and authorization to operate a program if the organization fails to comply with the bill's requirements. The bill prohibits the use of state funds in purchasing hypodermic needles or syringes for a program and provides for an annual DSHS report to the legislature relating to the program's effects.

C.S.H.B. 1722 exempts from the application of certain conduct constituting the offense of possession or delivery of drug paraphernalia under the Texas Controlled Substances Act certain persons who dispense, deliver, manufacture, use, or possess a hypodermic needle or syringe for a medical purpose or as part of a program described by the bill's provisions, as applicable. The bill prohibits a peace officer from stopping, searching, or seizing a person or base probable cause solely because a person visits an organization operating under the program.

C.S.H.B. 1722 amends the Government Code to replace the authorization for the Health and Human Services Commission to provide guidance to the local health authority of Bexar County in establishing a pilot program funded by the county to prevent the spread of certain infectious and communicable diseases with a requirement for DSHS to provide guidance to the counties and municipalities that establish a program under the bill's provisions.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 1722 differs from the original in minor or nonsubstantive ways by conforming to certain bill drafting conventions.