

1-1 By: Herrero, et al. (Senate Sponsor - Hinojosa) H.B. No. 306  
1-2 (In the Senate - Received from the House April 16, 2019;  
1-3 April 17, 2019, read first time and referred to Committee on  
1-4 Veteran Affairs & Border Security; April 26, 2019, reported  
1-5 adversely, with favorable Committee Substitute by the following  
1-6 vote: Yeas 4, Nays 2; April 26, 2019, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	<u>Campbell</u>	X		
1-10	<u>Hall</u>		X	
1-11	<u>Johnson</u>			X
1-12	<u>Lucio</u>	X		
1-13	<u>Menéndez</u>	X		
1-14	<u>Schwertner</u>		X	
1-15	<u>Seliger</u>	X		

1-16 COMMITTEE SUBSTITUTE FOR H.B. No. 306 By: Campbell

1-17 A BILL TO BE ENTITLED  
1-18 AN ACT

1-19 relating to the creation of an open burn pit registry for certain  
1-20 service members and veterans.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. This Act shall be known as the Service Member and  
1-23 Veteran Open Burn Pit Registry Act.

1-24 SECTION 2. Subtitle D, Title 2, Health and Safety Code, is  
1-25 amended by adding Chapter 99 to read as follows:

1-26 CHAPTER 99. OPEN BURN PIT REGISTRY

1-27 Sec. 99.001. DEFINITIONS. In this chapter:

1-28 (1) "Airborne hazard" means an airborne environmental  
1-29 contaminant, including open burn pit smoke, oil well fire smoke,  
1-30 sand, dust, or other particles, that may cause short-term or  
1-31 long-term health effects to a person exposed to the contaminant.

1-32 (2) "Open burn pit," also known as an "open air burn  
1-33 pit," means a site used for solid waste disposal by burning the  
1-34 waste in the outdoor air without the use of a commercially  
1-35 manufactured incinerator or other equipment specifically designed  
1-36 and manufactured for burning solid waste.

1-37 (3) "Service member" means an individual who is  
1-38 currently serving in:

1-39 (A) the armed forces of the United States;

1-40 (B) an auxiliary service of one of the armed  
1-41 forces of the United States, including the National Guard; or

1-42 (C) the state military forces as defined by  
1-43 Section 431.001, Government Code.

1-44 (4) "Veteran" means an individual who served in:

1-45 (A) the armed forces of the United States;

1-46 (B) an auxiliary service of one of the armed  
1-47 forces of the United States, including the National Guard; or

1-48 (C) the state military forces as defined by  
1-49 Section 431.001, Government Code.

1-50 Sec. 99.002. RULES; MEMORANDUM OF UNDERSTANDING. (a) The  
1-51 executive commissioner shall adopt the rules necessary to  
1-52 administer this chapter and may enter into a memorandum of  
1-53 understanding with the United States Department of Veterans Affairs  
1-54 as necessary to administer this chapter.

1-55 (b) A memorandum of understanding entered into under  
1-56 Subsection (a) must ensure that the United States Department of  
1-57 Veterans Affairs will maintain the confidentiality of a service  
1-58 member or veteran's personally identifying information that is  
1-59 submitted by the department to the Department of Veterans Affairs  
1-60 under this chapter.

2-1 Sec. 99.003. OPEN BURN PIT REGISTRY. (a) For outreach and  
2-2 education related to exposure to open burn pit smoke or other  
2-3 airborne hazards by service members and veterans in this state, the  
2-4 department shall create and maintain an open burn pit registry of  
2-5 service members and veterans who were exposed to open burn pit smoke  
2-6 or other airborne hazards during their military service in:  
2-7 (1) the Southwest Asia theater of operations on or  
2-8 after August 2, 1990;  
2-9 (2) Operation Desert Shield or Desert Storm;  
2-10 (3) Djibouti, Africa, on or after September 11, 2001;  
2-11 (4) Operation Enduring Freedom, Iraqi Freedom, or New  
2-12 Dawn; or  
2-13 (5) any other conflict or theater identified by the  
2-14 United States Department of Veterans Affairs.  
2-15 (b) The department shall include for each entry in the open  
2-16 burn pit registry:  
2-17 (1) the service member's or veteran's name, address,  
2-18 telephone number, and e-mail address;  
2-19 (2) the location of the service member's or veteran's  
2-20 service and the period of service;  
2-21 (3) any medical condition or death of the service  
2-22 member or veteran that may be related to exposure to open burn pit  
2-23 smoke or other airborne hazards; and  
2-24 (4) any other information that the department or the  
2-25 United States Department of Veterans Affairs considers necessary.  
2-26 (c) The department shall:  
2-27 (1) share the information included in the department's  
2-28 open burn pit registry with the United States Department of  
2-29 Veterans Affairs Airborne Hazards and Open Burn Pit Registry; and  
2-30 (2) electronically link the open burn pit registry  
2-31 created under this chapter with the federal registry.  
2-32 Sec. 99.004. VOLUNTARY REGISTRATION. A service member or  
2-33 veteran described by Section 99.003, or a family member of that  
2-34 service member or veteran, may voluntarily register a case of  
2-35 exposure to open burn pit smoke or other airborne hazards with the  
2-36 department for inclusion in the registry.  
2-37 Sec. 99.005. CONFIDENTIALITY. Entries and information  
2-38 obtained under this chapter are confidential and are not subject to  
2-39 disclosure under Chapter 552, Government Code, are not subject to  
2-40 subpoena, and may not otherwise be released or made public except to  
2-41 the United States Department of Veterans Affairs as provided by  
2-42 Section 99.003.  
2-43 Sec. 99.006. OPEN BURN PIT INFORMATION. The department,  
2-44 with the assistance of the Texas Veterans Commission, shall develop  
2-45 and include on its Internet website information to inform service  
2-46 members, veterans, and their families about the:  
2-47 (1) registration and use of the department's open burn  
2-48 pit registry and the United States Department of Veterans Affairs  
2-49 Airborne Hazards and Open Burn Pit Registry;  
2-50 (2) most recent scientific developments on the health  
2-51 effects of exposure to open burn pit smoke and other airborne  
2-52 hazards and the status of any illness or condition that is presumed  
2-53 to be caused by exposure to open burn pit smoke or other airborne  
2-54 hazards as designated by the United States Department of Veterans  
2-55 Affairs;  
2-56 (3) availability of any treatment offered by the  
2-57 United States Department of Veterans Affairs for an illness or  
2-58 condition that may be caused by exposure to open burn pit smoke or  
2-59 other airborne hazards;  
2-60 (4) process for applying to the United States  
2-61 Department of Veterans Affairs for service-related disability  
2-62 compensation for an illness or condition that may be related to  
2-63 exposure to open burn pit smoke or other airborne hazards,  
2-64 including the methods for documenting the illness or condition; and  
2-65 (5) manner of appealing to the United States  
2-66 Department of Veterans Affairs an existing service-related  
2-67 disability rating decision or requesting an increased  
2-68 service-related disability rating based on an illness or condition  
2-69 that may be related to exposure to open burn pit smoke or other

3-1 airborne hazards.  
3-2 Sec. 99.007. REPORT. Not later than December 1 of each  
3-3 even-numbered year following the creation of the registry, the  
3-4 department shall submit a report to the appropriate standing  
3-5 committees of the house of representatives and senate that  
3-6 includes:  
3-7 (1) an assessment of the effectiveness of collection  
3-8 and maintenance of information on the health effects of exposure to  
3-9 open burn pit smoke and other airborne hazards; and  
3-10 (2) any recommendation to improve the collection and  
3-11 maintenance of information about the health effects of exposure to  
3-12 open burn pit smoke and other airborne hazards.  
3-13 SECTION 3. (a) Not later than March 1, 2020, the executive  
3-14 commissioner of the Health and Human Services Commission shall  
3-15 adopt the rules and enter into any memorandum of understanding  
3-16 necessary to administer this Act.  
3-17 (b) Notwithstanding Section 99.007, Health and Safety Code,  
3-18 as added by this Act, the Department of State Health Services shall  
3-19 submit an initial report under that section not later than December  
3-20 1, 2020.  
3-21 SECTION 4. The Department of State Health Services is  
3-22 required to implement a provision of this Act only if the  
3-23 legislature appropriates money specifically for that purpose. If  
3-24 the legislature does not appropriate money specifically for that  
3-25 purpose, the department may, but is not required to, implement a  
3-26 provision of this Act using other appropriations available for that  
3-27 purpose.  
3-28 SECTION 5. This Act takes effect September 1, 2019.

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