

By: Rose

H.B. No. 746

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 for  
8 individuals addicted to drugs to receive education about and  
9 treatment for addiction. Cooperation with community-based and  
10 faith-based organizations creates a network of support for Texas  
11 families and the opportunity to intervene in drug addiction.  
12 Members of community-based and faith-based organizations have a  
13 strong desire to compassionately work to preserve lives and offer  
14 help to those 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 for the pilot program to 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 INFECTIOUS  
20 AND COMMUNICABLE 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 establish a disease control pilot program  
26 under this subchapter to prevent the spread of HIV, hepatitis B,  
27 hepatitis C, and other infectious and communicable diseases. The

1 pilot program may include disease control outreach programs that:

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

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

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

12 (b) A county or hospital district may register an  
13 organization to operate the disease control pilot program and  
14 distribute hypodermic needles and syringes to control the spread of  
15 certain bloodborne communicable diseases. The county or hospital  
16 district may charge a registration fee in an amount reasonable and  
17 necessary to cover the costs of registration oversight, including  
18 coordination with law enforcement personnel.

19 (c) A registered organization may charge a participant in  
20 the program a fee for each hypodermic needle or syringe used in the  
21 program not to exceed 150 percent of the actual cost to the  
22 organization of the hypodermic needle or syringe.

23 (d) A registered organization shall annually provide to the  
24 department and the county or hospital district with which the  
25 organization is registered information on:

26 (1) the effectiveness of the program;

27 (2) the program's impact on reducing the spread of

1 infectious and communicable diseases, including HIV, hepatitis B,  
2 and hepatitis C; and

3 (3) the program's effect on injected drug use in the  
4 county or hospital district.

5 Sec. 81.503. DISTRIBUTION OF NEEDLES AND SYRINGES TO PILOT  
6 PROGRAM. A person licensed as a wholesale drug distributor or  
7 device distributor under Chapter 431 may distribute hypodermic  
8 needles and syringes to a disease control pilot program authorized  
9 by this subchapter.

10 Sec. 81.504. HANDLING OF NEEDLES AND SYRINGES. A  
11 registered organization:

12 (1) shall store hypodermic needles and syringes in a  
13 proper and secure manner and allow only authorized employees or  
14 volunteers of the organization's disease control pilot program to  
15 access the hypodermic needles and syringes;

16 (2) may include hypodermic needles and syringes in  
17 packaged safe kits made available to program clients through the  
18 program;

19 (3) may provide hypodermic needles and syringes and  
20 safe kits to program clients only through an authorized employee or  
21 volunteer of the program; and

22 (4) shall store and dispose of used hypodermic needles  
23 and syringes in accordance with applicable state laws and  
24 administrative rules governing the safe and proper disposal of  
25 medical waste.

26 Sec. 81.505. FUNDING. Except to the extent specifically  
27 prohibited by law, a registered organization operating a disease

1 control pilot program may solicit or accept gifts, grants, or  
2 donations to fund a disease control pilot program under Section  
3 81.502(a).

4 Sec. 81.506. EXPIRATION. This subchapter expires September  
5 1, 2029.

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

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

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

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

23 SECTION 5. The change to Section [481.125](#), Health and Safety  
24 Code, made by this Act applies only to an offense committed on or  
25 after the effective date of this Act. An offense committed before  
26 the effective date of this Act is governed by the law in effect when  
27 the offense was committed, and the former law is continued in effect

1 for that purpose. For purposes of this section, an offense is  
2 committed before the effective date of this Act if any element of  
3 the offense occurs before the effective date.

4 SECTION 6. This Act takes effect September 1, 2019.