

By: Coleman, Wu

H.B. No. 1722

Substitute the following for H.B. No. 1722:

By: Dominguez

C.S.H.B. No. 1722

A BILL TO BE ENTITLED

AN ACT

relating to the establishment by certain counties and municipalities of disease control programs to reduce the risk of certain infectious and communicable diseases; authorizing fees.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 531.0972, Government Code, is amended to read as follows:

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

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

SUBCHAPTER K. PROGRAM TO REDUCE RISK OF CERTAIN COMMUNICABLE DISEASES

Sec. 81.501. DEFINITIONS. In this subchapter:

(1) "Organization" means an entity authorized by a 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) HIV, hepatitis B, hepatitis C, or other infectious
13 and communicable diseases exist in the county or municipality;

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

17 (3) a needle exchange program is an appropriate
18 component of a comprehensive response to the emergency.

19 (c) To request the department declare a public health
20 emergency, the commissioners court of a county or the governing
21 body of a municipality shall:

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

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

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

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

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

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

14 (e) A public health emergency declared under this section
15 remains in effect until the first anniversary of the date the
16 emergency is declared.

17 (f) The commissioner may extend a declaration of a public
18 health emergency at the request of the county or municipality that
19 is the subject of the declaration.

20 Sec. 81.503. REGISTRATION REQUIRED. An organization shall
21 register with the department and the county or municipality in
22 which the organization is applying to operate a program to
23 distribute hypodermic needles and syringes for the purpose of
24 controlling the spread of HIV, hepatitis B, hepatitis C, or other
25 infectious and communicable diseases. The department, county, or
26 municipality may charge a reasonable fee for registration under
27 this subchapter to pay for oversight functions, including

coordination with law enforcement personnel.

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

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

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

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

(4) provide:

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

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

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

(i) approved by the United States Food and Drug Administration for use in opioid or alcohol dependence treatment; and

(ii) long-acting and nonaddictive.

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

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

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

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

22 (1) the number of individuals served by the
23 organization each day;

24 (2) the number of hypodermic needles and syringes
25 collected by the organization each day;

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

1 (4) other information the department determines
2 necessary.

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

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

12 Sec. 81.509. USE OF STATE FUNDS. State funds may not be
13 used to purchase hypodermic needles or syringes under this
14 subchapter.

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

17 (1) the effectiveness of the program;
18 (2) the program's impact on reducing the spread of HIV,
19 hepatitis B, hepatitis C, and other infectious and communicable
20 diseases; and

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

23 SECTION 3. Section [481.125](#), Health and Safety Code, is
24 amended by adding Subsections (g), (h), (i), and (j) to read as
25 follows:

26 (g) Subsections (a) and (b) do not apply to a person who
27 dispenses or delivers a hypodermic needle or syringe for a medical

1 purpose. For the purposes of this subsection, "medical purpose"
2 includes the exchange of a hypodermic needle or syringe for a used
3 hypodermic needle or syringe in a program described by Subchapter
4 K, Chapter 81.

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

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

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

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

23 SECTION 5. This Act takes effect September 1, 2019.