87R26024 SCL-D

By:  Blanco S.B. No. 437

(Turner of Dallas)

Substitute the following for S.B. No. 437:

By:  Klick C.S.S.B. No. 437

A BILL TO BE ENTITLED

AN ACT

relating to personal protective equipment management and the establishment of a personal protective equipment advisory committee.

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

SECTION 1.  Chapter 81, Health and Safety Code, is amended by adding Subchapter K to read as follows:

SUBCHAPTER K. PERSONAL PROTECTIVE EQUIPMENT

Sec. 81.451.  DEFINITIONS. In this subchapter:

(1)  "Advisory committee" means the Personal Protective Equipment Advisory Committee established under Section 81.453. This subdivision expires September 1, 2023.

(2)  "Division" means the Texas Division of Emergency Management.

(3)  "Essential personnel" means:

(A)  government employees or personnel at a primary or secondary school, a child-care facility defined by Section 42.002, Human Resources Code, or a corrections facility defined by Section 89.101, who are expected to continue working through a public health disaster or other public health emergency;

(B)  electric and gas utility employees; or

(C)  personnel the division considers vital to public health and safety or economic and national security.

(4)  "Health care worker" means any individual who provides health care services to patients or provides support services to those health care providers, including physicians, pharmacists, dentists, clinicians, nurses, aides, home hospice care providers, technicians, janitorial and housekeeping staff, food service workers, and nonmanagerial administrative staff.

(5)  "Personal protective equipment" means specialized clothing or equipment, including masks, gloves, and gowns, worn for protection against infectious materials.

Sec. 81.452.  PERSONAL PROTECTIVE EQUIPMENT STANDARDS. (a) The division by rule shall establish guidelines for the procurement, storage, and distribution of personal protective equipment.

(b)  At a minimum, the division, when adopting rules under this section, must consider:

(1)  the types of personal protective equipment that may be required during a public health disaster or other public health emergency;

(2)  the length of time each type of personal protective equipment remains usable and the procedures for restocking a portion of each type of equipment;

(3)  the amount of each type of personal protective equipment required to supply all health care workers and essential personnel in this state with the equipment for 60 days during a public health disaster or other public health emergency;

(4)  successes and failures during previous public health disasters and other public health emergencies in this state, including successes and failures regarding procurement, storage, or distribution of personal protective equipment;

(5)  guidance on defining essential personnel based on different potential hazards;

(6)  geographical distribution of personal protective equipment;

(7)  guidance on establishing policies and standards to ensure health care workers and essential personnel have access to an adequate supply of personal protective equipment during a public health disaster or other public health emergency; and

(8)  the distribution prioritization when the supply of personal protective equipment is insufficient to meet the needs of health care workers and essential personnel requesting equipment, including considering whether the requestor is:

(A)  located in an area with a high density of low-income residents;

(B)  located in or disproportionately serves a medically underserved area as designated by the United States Department of Health and Human Services; and

(C)  located in a county with a high infection rate or high hospitalization rate related to a public health disaster or public health emergency.

(b-1)  In adopting rules under this section, the division shall consider the recommendations of the advisory committee. This subsection expires September 1, 2023.

(c)  The guidelines for personal protective equipment standards adopted under this section may not be less protective or stringent than federal, state, or local guidelines on personal protective equipment.

Sec. 81.453.  PERSONAL PROTECTIVE EQUIPMENT ADVISORY COMMITTEE. (a) The division shall establish the Personal Protective Equipment Advisory Committee composed of the following members appointed by the division:

(1)  one representative of an association representing different types of hospitals and health systems;

(2)  one representative of an association representing nursing facilities;

(3)  one representative of an association representing primary care clinics;

(4)  one representative of an association representing nurses;

(5)  one representative of an association representing home hospice care providers;

(6)  one representative of a statewide association representing physicians;

(7)  two representatives of labor organizations that represent essential personnel;

(8)  one representative from the personal protective equipment manufacturing industry;

(9)  one consumer representative;

(10)  one representative from an association representing counties;

(11)  one representative from the department;

(12)  one representative from the division; and

(13)  one representative from the commission.

(b)  The advisory committee shall make recommendations to the division as necessary on adopting rules under Section 81.452.

(c)  This section expires and the advisory committee is abolished September 1, 2023.

SECTION 2.  (a) The Texas Division of Emergency Management shall adopt rules necessary to implement Section 81.452, Health and Safety Code, as added by this Act, not later than September 1, 2022.

(b)  As soon as practicable after the effective date of this Act, the Texas Division of Emergency Management shall appoint members to the Personal Protective Equipment Advisory Committee established under Section 81.453, Health and Safety Code, as added by this Act.

SECTION 3.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.