87R1818 SCL-D

By:  Blanco S.B. No. 437

A BILL TO BE ENTITLED

AN ACT

relating to the state reserve of personal protective equipment for health care workers and essential personnel.

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 RESERVE

Sec. 81.451.  DEFINITIONS. In this subchapter:

(1)  "Advisory committee" means the Personal Protective Equipment Reserve Advisory Committee established under Section 81.454. This subdivision expires September 1, 2023.

(2)  "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; or

(B)  personnel the executive commissioner considers vital to public health and safety or economic and national security.

(3)  "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, technicians, janitorial and housekeeping staff, food service workers, and nonmanagerial administrative staff.

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

(5)  "Reserve" means the personal protective equipment reserve established and maintained under this subchapter.

Sec. 81.452.  ESTABLISHMENT AND MAINTENANCE OF RESERVE. The department, in coordination with other relevant state agencies, shall establish and maintain a reserve of personal protective equipment for use by health care workers and essential personnel during a public health disaster or other public health emergency. The reserve must maintain at least a 90-day supply of the equipment.

Sec. 81.453.  MANAGEMENT OF RESERVE. (a) The executive commissioner by rule shall establish guidelines for the procurement, storage, and distribution of the reserve's personal protective equipment.

(b)  At a minimum, the executive commissioner, 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 in the reserve remains usable and the procedures for restocking a portion of each type of equipment to ensure the reserve includes only unexpired 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 90 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 regarding the reserve's surge capacity 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;

(8)  the policies and funding required for this state to establish a reserve; and

(9)  the distribution prioritization if the supply of personal protective equipment is insufficient to meet the needs of health care workers and essential personnel requesting equipment from the reserve, 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 executive commissioner 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. 81.454.  ADVISORY COMMITTEE. (a) The department shall establish the Personal Protective Equipment Reserve Advisory Committee composed of the following members appointed by the executive commissioner:

(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 a statewide association representing physicians;

(5)  two representatives of labor organizations that represent health care workers;

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

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

(8)  one consumer representative;

(9)  one representative from an association representing counties;

(10)  one representative from the department;

(11)  one representative from the Texas Division of Emergency Management; and

(12)  one representative from the commission.

(b)  The advisory committee shall make recommendations to the executive commissioner as necessary to develop the rules required under Section 81.453.

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

SECTION 2.  (a) The Department of State Health Services shall establish the personal protective equipment reserve as required by Section 81.452, Health and Safety Code, as added by this Act, not later than September 1, 2022.

(b)  The executive commissioner of the Health and Human Services Commission shall adopt rules necessary to implement Section 81.453, Health and Safety Code, as added by this Act, not later than September 1, 2022.

(c)  As soon as practicable after the effective date of this Act, the executive commissioner of the Health and Human Services Commission shall appoint members to the Personal Protective Equipment Reserve Advisory Committee established under Section 81.454, 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.