S.B. No. 970

AN ACT

relating to the repeal of certain provisions related to health and human services.

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

SECTION 1.  (a)  Section 38.064, Education Code, is repealed.

(b)  The following provisions of the Health and Safety Code are repealed:

(1)  Chapter 39;

(2)  Sections 43.003(a)(3), (4), and (5);

(3)  Sections 43.004(a), (b), (c), and (f);

(4)  Section 43.006;

(5)  Section 43.007;

(6)  Section 43.008;

(7)  Section 43.009;

(8)  Section 43.010;

(9)  Section 43.011;

(10)  Section 43.012;

(11)  Section 43.013;

(12)  Section 43.014;

(13)  Section 81.307;

(14)  Section 92.010;

(15)  Section 94.004;

(16)  Subchapter B, Chapter 95;

(17)  Chapter 97;

(18)  Section 104.0156;

(19)  Section 105.007;

(20)  Section 146.0021;

(21)  Section 146.022;

(22)  Section 146.023;

(23)  Section 146.024;

(24)  Section 146.025;

(25)  Section 161.353;

(26)  Section 168.010;

(27)  Section 431.408;

(28)  Subchapter O, Chapter 431; and

(29)  Section 673.004.

(c)  Chapter 131, Human Resources Code, is repealed.

SECTION 2.  Section 43.003(a)(2), Health and Safety Code, is amended to read as follows:

(2)  "Oral health services" means[~~:~~

[~~(A)  preventive or treatment services affecting the structures of the mouth, including the hard and soft tissues such as teeth, jaws, gums, vestibule, tongue, cheeks, lips, floor and roof of the mouth, and adjacent masticatory structures; and~~

[~~(B)~~] oral health education and promotion activities.

SECTION 3.  Section 43.004(d), Health and Safety Code, is amended to read as follows:

(d)  The department may establish an oral health services program that may consist of all or any combination of the following:

(1)  [~~treatment services for eligible individuals, including:~~

[~~(A)  emergency care for relief of pain and infection, including extractions and basic restorative services to prevent premature loss of teeth;~~

[~~(B)  periodontal therapy for the prevention and treatment of periodontal disease;~~

[~~(C)  endodontics to maintain aesthetics and occlusion;~~

[~~(D)  orthodontic care only in cases of severely handicapping malocclusion; and~~

[~~(E)  oral surgery and prosthetics in cases in which health is impaired;~~

[~~(2)~~] a program of oral disease prevention, including:

(A)  the fluoridation of community water supplies;

(B)  fluoride mouth rinse programs in schools; and

(C)  the promotion and implementation of sealants programs; [~~and~~

[~~(D)  the development of appropriate means for prevention of oral disease, including the continued use of recognized methods of primary, secondary, and tertiary prevention;~~]

(2) [~~(3)~~]  oral health education and promotion, including:

(A)  public health education to promote the prevention of oral disease through self-help methods, including the initiation and expansion of preschool, school age, and adult education programs;

(B)  organized continuing health education training programs for health care providers; and

(C)  preventive health education information for the public; and

(3) [~~(4)~~]  facilitation of access to oral health services, including:

(A)  the improvement of the existing oral health services delivery system for the provision of services to low-income residents;

(B)  outreach activities to inform the public of the type and availability of oral health services to increase the accessibility of oral health care for low-income residents; and

(C)  assistance and cooperation in promoting better distribution of dentists and other oral health professionals throughout the state.

SECTION 4.  Section 101.008, Health and Safety Code, is amended to read as follows:

Sec. 101.008.  DUTIES OF DEPARTMENT.  The department shall:

(1)  provide administrative assistance, services, and materials to the council;

(2)  accept, deposit, and disburse funds made available to the council at the direction of the executive commissioner;

(3)  accept gifts and grants on behalf of the council from any public or private entity; and

(4)  [~~maintain a population data base of persons with Alzheimer's disease and related disorders in this state; and~~

[~~(5)~~]  apply for and receive on behalf of the council any appropriations, gifts, or other funds from the state or federal government or any other public or private entity, subject to limitations and conditions prescribed by legislative appropriation.

SECTION 5.  Section 146.005, Health and Safety Code, is amended to read as follows:

Sec. 146.005.  FEES. The executive commissioner by rule shall set license [~~and registration fees~~] and license [~~and registration~~] renewal fees in amounts necessary [~~for the department~~] to administer this chapter.

SECTION 6.  Section 146.021(c), Health and Safety Code, is amended to read as follows:

(c)  If the license [~~or registration~~] holder cannot be located for a notice required under this section, the department shall provide notice by posting a copy of the order on the front door of the premises of the license holder [~~or the premises where the registration holder is employed~~].

SECTION 7.  Section 161.0074(c), Health and Safety Code, is amended to read as follows:

(c)  The report must:

(1)  include the current immunization rates by geographic region of the state, where available;

(2)  focus on the geographic regions of the state with immunization rates below the state average for preschool children;

(3)  describe the approaches identified to increase immunization rates in underserved areas and the estimated cost for each;

(4)  identify changes to department procedures needed to increase immunization rates;

(5)  identify the services provided under and provisions of contracts entered into by the department to increase immunization rates in underserved areas;

(6)  identify performance measures used in contracts described by Subdivision (5);

(7)  include the number and type of exemptions used in the past year;

(8)  include the number of complaints received by the department related to the department's failure to comply with requests for exclusion of individuals from the registry;

(9)  identify all reported incidents of discrimination for requesting exclusion from the registry or for using an exemption for a required immunization; and

(10)  [~~include department recommendations about the best way to use, and communicate with, local registries in the state; and~~

[~~(11)~~]  include ways to increase provider participation in the registry.

SECTION 8.  Section 161.352(a), Health and Safety Code, is amended to read as follows:

(a)  Each manufacturer shall file with the department an annual report for each cigarette or tobacco product distributed in this state, stating[~~:~~

[~~(1)~~]  the identity of each ingredient in the cigarette or tobacco product, listed in descending order according to weight, measure, or numerical count, other than:

(1) [~~(A)~~]  tobacco;

(2) [~~(B)~~]  water; or

(3) [~~(C)~~]  a reconstituted tobacco sheet made wholly from tobacco[~~; and~~

[~~(2)  a nicotine yield rating for the cigarette or tobacco product established under Section 161.353~~].

SECTION 9.  Sections 431.4031(a) and (b), Health and Safety Code, are amended to read as follows:

(a)  A wholesale distributor that distributes prescription drugs that are medical gases or a wholesale distributor that is a manufacturer or a third-party logistics provider on behalf of a manufacturer is exempt from Sections 431.404(a)(5) and (6), (b), and (c), 431.4045(2), 431.405, and 431.407[~~, and 431.408~~].

(b)  A state agency or a political subdivision of this state that distributes prescription drugs using federal or state funding to nonprofit health care facilities or local mental health or mental retardation authorities for distribution to a pharmacy, practitioner, or patient is exempt from Sections 431.405(b), 431.407, [~~431.408,~~] 431.412, and 431.413.

SECTION 10.  On the effective date of this Act:

(1)  the following are abolished:

(A)  the children's outreach heart program;

(B)  the oral health improvement services program;

(C)  the arthritis control and prevention program;

(D)  the health care information technology advisory committee;

(E)  the diabetes intervention pilot program;

(F)  the prescription drug donation pilot program; and

(G)  the Health and Human Services Office of Community Transportation Services;

(2)  any remaining obligations, rights, contracts, records, real and personal property, funds, appropriations, and money of the children's outreach heart program, the arthritis control and prevention program, the oral health improvement services program, the diabetes intervention pilot program, and the prescription drug donation pilot program are transferred to the Department of State Health Services;

(3)  any remaining obligations, rights, contracts, records, real and personal property, funds, appropriations, and money of the health care information technology advisory committee are transferred to the statewide health coordinating council under Subchapter B, Chapter 104, Health and Safety Code; and

(4)  any remaining obligations, rights, contracts, records, real and personal property, funds, appropriations, and money of the Health and Human Services Office of Community Transportation Services are transferred to the Health and Human Services Commission.

SECTION 11.  This Act takes effect September 1, 2021.

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I hereby certify that S.B. No. 970 passed the Senate on May 11, 2021, by the following vote: Yeas 30, Nays 0; and that the Senate concurred in House amendment on May 30, 2021, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_    Secretary of the Senate

I hereby certify that S.B. No. 970 passed the House, with amendment, on May 26, 2021, by the following vote: Yeas 146, Nays 1, two present not voting.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_    Chief Clerk of the House

Approved:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_             Date\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_           Governor