

By: Rose

H.B. No. 4342

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 preserve lives and help those
14 stricken with disease and drug addiction.

15 Allowing the operation of disease control pilot programs will
16 reduce the transmission of blood-borne diseases, including
17 HIV/AIDS, hepatitis B, and hepatitis C, and provide program
18 participants with referrals to appropriate health and social
19 services. A pilot program established under this Act may provide
20 necessary access to primary health care, ensure safe and sterile
21 disposal of used syringes and needles, and protect the public
22 health. Pilot program goals may include reduced rates of
23 intravenous drug use and a reduced number of injuries to innocent
24 victims, first responders, and law enforcement caused by needle

1 sticks from improperly disposed needles. Additionally, it is the
2 intent of the legislature for a pilot program to increase access to
3 substance abuse treatment services, increase the likelihood of
4 successful treatments for addiction, and protect the public health
5 and safety.

6 SECTION 2. Section [531.0972](#), Government Code, is amended to
7 read as follows:

8 Sec. 531.0972. PILOT PROGRAM TO PREVENT ~~[THE]~~ SPREAD OF
9 CERTAIN INFECTIOUS AND ~~[OR]~~ COMMUNICABLE DISEASES. The commission
10 may provide guidance to the counties and hospital districts in
11 those counties that establish ~~[local health authority of Bexar~~
12 ~~County in establishing]~~ a disease control pilot program under
13 Subchapter K, Chapter 81, Health and Safety Code, [funded by the
14 ~~county]~~ to prevent the spread of HIV, hepatitis B, hepatitis C, and
15 other infectious and communicable diseases. The program may
16 include a disease control outreach program that provides for the
17 anonymous exchange of used hypodermic needles and syringes.

18 SECTION 3. Chapter [81](#), Health and Safety Code, is amended by
19 adding Subchapter K to read as follows:

20 SUBCHAPTER K. PILOT PROGRAM TO REDUCE RISK OF CERTAIN INFECTIOUS
21 AND COMMUNICABLE DISEASES

22 Sec. 81.501. APPLICABILITY OF SUBCHAPTER. This subchapter
23 applies only to Bexar, Dallas, Harris, and Travis Counties and
24 hospital districts in those counties.

25 Sec. 81.502. DISEASE CONTROL PILOT PROGRAM. (a) A county
26 or hospital district may establish a disease control pilot program
27 under this subchapter to prevent the spread of infectious and

1 communicable diseases, including HIV, hepatitis B, and hepatitis C.
2 The pilot program may include disease control outreach programs
3 that:

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

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

10 (3) assist program participants in obtaining health
11 care and other physical and mental health-related services,
12 including substance abuse treatment services and blood-borne
13 disease testing.

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

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

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

1 (1) the effectiveness of the disease control pilot
2 program;

3 (2) the program's impact on reducing the spread of
4 infectious and communicable diseases, including HIV, hepatitis B,
5 and hepatitis C; and

6 (3) the program's effect on injected drug use by
7 individuals residing within the county or hospital district.

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

13 Sec. 81.504. HANDLING OF NEEDLES AND SYRINGES. An
14 organization registered as provided by Section 81.502:

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

19 (2) may include hypodermic needles and syringes in
20 packaged safe kits made available to program participants through
21 the program;

22 (3) may provide hypodermic needles and syringes and
23 safe kits to program participants only through an authorized
24 employee or volunteer of the program; and

25 (4) shall store and dispose of used hypodermic needles
26 and syringes in accordance with applicable state laws and
27 administrative rules governing the safe and proper disposal of

1 medical waste.

2 Sec. 81.505. FUNDING. Except to the extent specifically
3 prohibited by law, an organization registered to operate a disease
4 control pilot program as provided by Section 81.502 may solicit or
5 accept gifts, grants, or donations to fund the program.

6 Sec. 81.506. EXPIRATION. This subchapter expires September
7 1, 2031.

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

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

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

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

26 (j) This subsection and Subsections (g), (h), and (i) expire
27 September 1, 2031.

1 SECTION 5. The change to Section [481.125](#), Health and Safety
2 Code, made by this Act applies only to an offense committed on or
3 after the effective date of this Act. An offense committed before
4 the effective date of this Act is governed by the law in effect when
5 the offense was committed, and the former law is continued in effect
6 for that purpose. For purposes of this section, an offense is
7 committed before the effective date of this Act if any element of
8 the offense occurs before the effective date.

9 SECTION 6. This Act takes effect September 1, 2021.