

By: Moody

H.B. No. 1403

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. This Act shall be cited as the Honorable Ruth
7 Jones McClendon Act.

8 SECTION 2. The legislature finds that because drug abuse
9 has been a tragedy for many Texas families, providing individuals
10 who are addicted to drugs with education about and treatment for
11 addiction is imperative. Cooperation with community-based and
12 faith-based organizations creates a network of support for Texas
13 families and the opportunity to intervene in drug addiction.
14 Members of community-based and faith-based organizations have a
15 strong desire to compassionately preserve lives and help those
16 stricken with disease and drug addiction.

17 Allowing the operation of disease control pilot programs will
18 reduce the transmission of blood-borne diseases, including
19 HIV/AIDS, hepatitis B, and hepatitis C, and provide program
20 participants with referrals to appropriate health and social
21 services. A pilot program established under this Act may provide
22 necessary access to primary health care, ensure safe and sterile
23 disposal of used syringes and needles, and protect the public
24 health. Pilot program goals may include reduced rates of

1 intravenous drug use and a reduced number of injuries to innocent
2 victims, first responders, and law enforcement caused by needle
3 sticks from improperly disposed needles. Additionally, it is the
4 intent of the legislature for a pilot program to increase access to
5 substance abuse treatment services, increase the likelihood of
6 successful treatments for addiction, and protect the public health
7 and safety.

8 SECTION 3. Section [531.0972](#), Government Code, is amended to
9 read as follows:

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

20 SECTION 4. Chapter [81](#), Health and Safety Code, is amended by
21 adding Subchapter K to read as follows:

22 SUBCHAPTER K. PILOT PROGRAMS TO REDUCE RISK OF CERTAIN INFECTIOUS
23 AND COMMUNICABLE DISEASES

24 Sec. 81.501. APPLICABILITY OF SUBCHAPTER. This subchapter
25 applies only to Bexar, Dallas, El Paso, Harris, Nueces, Travis, and
26 Webb Counties and hospital districts in those counties.

27 Sec. 81.502. DISEASE CONTROL PILOT PROGRAM. (a) A county

1 or hospital district may establish a disease control pilot program
2 under this subchapter to prevent the spread of infectious and
3 communicable diseases, including HIV, hepatitis B, and hepatitis C.
4 The pilot program may include disease control outreach strategies
5 to:

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

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

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

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

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

1 (d) A registered organization shall annually provide to the
2 department and the county or hospital district that registered the
3 organization information on:

4 (1) the effectiveness of the disease control pilot
5 program;

6 (2) the program's impact on reducing the spread of
7 infectious and communicable diseases, including HIV, hepatitis B,
8 and hepatitis C; and

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

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

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

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

22 (2) may include hypodermic needles and syringes in
23 packaged safe kits made available to program participants through
24 the program;

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

1 (4) shall store and dispose of used hypodermic needles
2 and syringes in accordance with applicable state laws and
3 administrative rules governing the safe and proper disposal of
4 medical waste.

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

9 Sec. 81.506. EXPIRATION. This subchapter expires September
10 1, 2033.

11 SECTION 5. Section [481.125](#), Health and Safety Code, is
12 amended by adding Subsections (j), (k), (l), and (m) to read as
13 follows:

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

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

24 (l) Subsections (a) and (b) do not apply to a person who is
25 an employee, volunteer, duly authorized agent, or program
26 participant of a disease control pilot program described by
27 Subchapter K, Chapter [81](#), and uses, possesses, or delivers a

1 hypodermic needle or syringe as part of the program.

2 (m) This subsection and Subsections (j), (k), and (l) expire
3 September 1, 2033.

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

12 SECTION 7. This Act takes effect September 1, 2023.