

BILL ANALYSIS

H.B. 3174
By: Rose
Intergovernmental Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The bill author has informed the committee that blood-borne diseases present a significant public health concern in Texas and across the nation. According to the CDC, hepatitis C remains a substantial health challenge in the United States, and more than 1 out of 10 people living with HIV are unaware of their diagnosis. The bill author has additionally informed the committee that access to clean needles through syringe exchange programs may offer a way to help reduce the transmission of these and other communicable diseases, and that several counties have expressed interest in establishing limited pilot programs for these exchanges. H.B. 3174 provides for the creation of syringe exchange programs in certain counties and couples these exchanges with physical and mental health-related services for program participants.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

Pilot Program

H.B. 3174 amends the Health and Safety Code to authorize Bexar, Dallas, El Paso, Harris, Nueces, Travis, and Webb Counties and hospital districts in those counties to establish a disease control pilot program for the county or hospital district to prevent the spread of infectious and communicable diseases, including HIV, hepatitis B, and hepatitis C. The bill authorizes a disease control pilot program to include disease control outreach programs that do the following:

- provide for the anonymous exchange of used hypodermic needles and syringes for an equal number of new hypodermic needles and syringes;
- offer education on the transmission and prevention of infectious and communicable diseases, including HIV, hepatitis B, and hepatitis C; and
- assist program participants in obtaining health care and other physical and mental health-related services, including substance abuse treatment services and blood-borne disease testing.

The bill authorizes an applicable county or hospital district to register an organization to operate the disease control pilot program and distribute hypodermic needles and syringes to control the spread of certain blood-borne communicable diseases. The bill authorizes the county or hospital district to charge the organization a registration fee in an amount reasonable and necessary to cover the costs of registration oversight, including coordination with law enforcement personnel. The bill caps at 150 percent of the actual cost to a registered organization the amount

the organization may charge a program participant for each hypodermic needle or syringe used in the program. The bill requires a registered organization to provide annually to the Department of State Health Services and the county or hospital district with which the organization is registered information on the following topics:

- the program's effectiveness;
- the program's impact on reducing the spread of infectious and communicable diseases; and
- the program's effect on injected drug use by individuals residing within the county or hospital district.

H.B. 3174 authorizes a person licensed as a wholesale drug distributor or device distributor under the Texas Food, Drug, and Cosmetic Act to distribute hypodermic needles and syringes to a disease control pilot program. The bill does the following with respect to a registered organization's handling of needles and syringes in the operation of such a program:

- requires the organization to store hypodermic needles and syringes in a proper and secure manner and to allow only authorized employees or volunteers of the organization's disease control pilot program to access the hypodermic needles and syringes;
- authorizes the organization to include hypodermic needles and syringes in packaged safe kits made available to program participants through the program;
- authorizes the organization to provide hypodermic needles, syringes, and safe kits to program participants only through an authorized employee or volunteer of the program; and
- requires the organization to store and dispose of used hypodermic needles and syringes in accordance with applicable state laws and administrative rules governing the safe and proper disposal of medical waste.

The bill authorizes a registered organization to solicit or accept gifts, grants, or donations to fund the program, except to the extent specifically prohibited by law. The bill's provisions relating to the establishment of disease control pilot programs expire September 1, 2035.

Exemption from Offense

H.B. 3174 exempts the following persons from the application of certain conduct constituting the offense of possession or delivery of drug paraphernalia under the Texas Controlled Substances Act:

- a person who possesses or delivers a hypodermic needle or syringe for a medical purpose, including the exchange of a hypodermic needle or syringe for a used hypodermic needle or syringe in a disease control pilot program;
- a person who possesses or manufactures hypodermic needles or syringes for delivery to a disease control pilot program; and
- a person who is an employee, volunteer, duly authorized agent, or program participant of a disease control pilot program and uses, possesses, or delivers a hypodermic needle or syringe as part of the program.

These provisions expire September 1, 2035, and apply only to an offense committed on or after the bill's effective date. An offense committed before the bill's effective date is governed by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For these purposes, an offense is committed before the bill's effective date if any element of the offense occurs before the effective date.

Health and Human Services Commission (HHSC) Guidance

H.B. 3174 amends the Government Code to replace the authorization for the HHSC to provide guidance to the local health authority of Bexar County in establishing a pilot program funded by the county to prevent the spread of infectious and communicable diseases with an authorization for HHSC to provide guidance to the counties and hospital districts in the counties that establish a disease control pilot program under the bill's provisions.

Legislative Findings

H.B. 3174 sets out certain legislative findings and establishes legislative intent for its provisions. The legislature finds that drug abuse has been a tragedy for many Texas families and that, for individuals addicted to drugs, the receipt of education about and treatment for addiction is imperative. Cooperation with community-based and faith-based organizations creates a network of support for Texas families and the opportunity to intervene in drug addiction, and members of community-based and faith-based organizations have a strong desire to compassionately preserve lives and help those stricken with disease and drug addiction. In addition, the bill provides the following:

- allowing the operation of disease control pilot programs will reduce the transmission of blood-borne diseases, including HIV/AIDS, hepatitis B, and hepatitis C, and provide program participants with referrals to appropriate health and social services;
- a pilot program established under the bill's provisions may provide necessary access to primary health care, ensure safe and sterile disposal of used syringes and needles, and protect the public health;
- pilot program goals may include reduced rates of intravenous drug use and a reduced number of injuries to innocent victims, first responders, and law enforcement caused by needle sticks from improperly disposed needles; and
- it is the intent of the legislature for a pilot program to increase access to substance abuse treatment services, increase the likelihood of successful treatments for addiction, and protect the public health and safety.

EFFECTIVE DATE

September 1, 2025.