

BILL ANALYSIS

H.B. 3233
By: Moody
County Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Several counties have expressed interest in establishing a limited pilot program for disease control through the safe exchange of hypodermic needles. The program seeks to provide for the anonymous exchange of used hypodermic needles and syringes for an equal number of new hypodermic needles and syringes. The program would couple this exchange with physical and mental health-related services for program participants. H.B. 3233 seeks to curb the spread of infectious and communicable diseases in Texas by authorizing certain counties and hospital districts to establish such a disease control pilot program.

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

H.B. 3233 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 district to prevent the spread of infectious and communicable diseases, including HIV, hepatitis B, and hepatitis C. The bill sets out legislative findings relating to the need for drug-addicted individuals to receive education about and treatment for addiction and the public health benefits of such a pilot program. The bill authorizes the 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.

H.B. 3233 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 infectious and 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 the registered organization to provide annually to the Department of State Health Services and the county or hospital district that registered the organization 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. 3233 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 and sets out provisions relating to the handling of needles and syringes in the operation of such a program. 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.

H.B. 3233 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.

H.B. 3233 sets its provisions relating to the establishment of disease control pilot programs and the related exemptions under the Texas Controlled Substances Act to expire September 1, 2031.

H.B. 3233 amends the Government Code to replace the authorization for the Health and Human Services Commission (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 those counties that establish a disease control pilot program under the bill's provisions.

EFFECTIVE DATE

September 1, 2021.