

BILL ANALYSIS

Senate Research Center
79R10689 MCK-D

C.S.S.B. 127
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Health and Human Services
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Committee Report (Substituted)

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Communicable diseases, such as HIV/AIDS, hepatitis B, and hepatitis C, pose a significant public health risk as they are, in most cases, life-threatening and costly to treat. Over half of all new cases are due to injection drug use and the sharing of syringes. To combat the skyrocketing cases of new infections, many states and local communities have begun providing clean needles and syringes, which research has shown can significantly reduce the spread of communicable diseases without increasing drug use.

C.S.S.B. 127 authorizes a local health authority or an organization that contracts with a local governmental entity to establish a disease control program that provides anonymous needle exchange and education regarding the transmission and prevention of communicable diseases, and assists participants in obtaining recovery and health-related services.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 81, Health and Safety Code, by adding Subchapter J, as follows:

[While the statutory reference in this bill is to the Texas Department of Health, the following amendments affect the Department of State Health Services, as the successor agency to the Texas Department of Health.]

SUBCHAPTER J. PROGRAMS TO REDUCE RISK OF CERTAIN COMMUNICABLE DISEASES

Sec. 81.401. DISEASE CONTROL PROGRAMS. (a) Authorizes a local health authority or an organization that contracts with a local governmental entity to establish a disease control program that provides for the anonymous exchange of used hypodermic needles and syringes for new ones, offers education on the transmission and prevention of communicable diseases, including HIV, hepatitis B, and hepatitis C, and assists program participants in obtaining health-related services, including substance abuse treatment services.

(b) Authorizes a local health authority or other organization operating a disease control program authorized by this subchapter to charge a participant in the program a certain fee for each hypodermic needle or syringe used in the program.

(c) Requires a local health authority or other organization operating a disease control program authorized by this subchapter to provide the Texas Department of Health with information on the effectiveness of the program and its impact on reducing the spread of communicable diseases, including HIV, hepatitis B, and hepatitis C.

Sec. 81.402. DISTRIBUTION OF NEEDLES AND SYRINGES TO PROGRAM. Authorizes a person licensed as a wholesale drug distributor or device distributor under

Chapter 431 (Texas Food, Drug, and Cosmetic Act) to distribute hypodermic needles and syringes to a disease control program authorized by this subchapter.

Sec. 81.403. HANDLING OF NEEDLES AND SYRINGES. (a) Requires the operator of a disease control program to store hypodermic needles and syringes in a proper and secure manner. Provides that only authorized employees or volunteers of the disease control program may have access to the hypodermic needles and syringes. Provides that program clients may obtain hypodermic needles and syringes only from an authorized employee or volunteer.

(b) Requires the operator of a disease control program authorized by this subchapter to store and dispose of used hypodermic needles and syringes in accordance with Texas Board of Health rule. [The rulemaking authority of the Texas Board of Health has been transferred to the executive commissioner of the Health and Human Services Commission.]

SECTION 2. Amends Section 481.125, Health and Safety Code, by adding Subsection (g), as follows:

(g) Provides a defense to prosecution under Subsections (a) and (b) (prohibiting use, possession, or distribution of drug paraphernalia) for the following persons: persons who manufacture hypodermic needles or syringes that are delivered or are to be delivered through a disease control program and authorized employees, volunteers, or participants of the disease control program who use, possess, or deliver hypodermic needles or syringes that are delivered or are to be delivered through a disease control program.

SECTION 3. Sets forth the purpose of this Act.

SECTION 4. Makes application of Section 481.125, Health and Safety Code, as amended by this Act, prospective.

SECTION 5. Effective date: September 1, 2005.