

## **BILL ANALYSIS**

H.B. 3256  
By: Rose  
Public Health  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Interested parties suggest that certain practices can dramatically reduce the incidence of bloodborne diseases. H.B. 3256 seeks to address this issue by providing for the establishment by certain counties and hospital districts of disease control pilot programs to reduce the risk of certain infectious and communicable diseases.

### **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. 3256 amends the Health and Safety Code to authorize Bexar, Dallas, Harris, and Travis Counties and hospital districts in those counties to authorize an organization to establish a disease control pilot program to prevent the spread of HIV, hepatitis B, hepatitis C, and other infectious and communicable diseases. The bill authorizes the pilot program to include disease control outreach programs that 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, and assist program participants in obtaining health care and other physical and mental health-related services. The bill authorizes an applicable county or hospital district, as part of the pilot program, by order or similar measure to authorize an organization to register with the county or hospital district to distribute hypodermic needles and syringes for the purpose of controlling the spread of certain bloodborne communicable diseases and to charge a reasonable fee for registration to pay for oversight functions.

H.B. 3256 requires an organization operating a disease control pilot program to annually provide the Department of State Health Services and the county or hospital district authorizing the program with information on the effectiveness of the program, the program's impact on reducing the spread of communicable diseases, and the program's effect on injected drug use in the area served by the county or hospital district. The bill limits the amount such an organization may charge a program participant for each hypodermic needle or syringe used in the program, 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 an organization, except to the extent specifically prohibited by law, to solicit or accept gifts, grants, or donations to fund a disease control pilot

program. The bill's provisions relating to the establishment of such pilot programs expire September 1, 2027.

H.B. 3256 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 dispenses 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 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 participant of a disease control pilot program and who uses, possesses, or delivers a hypodermic needle or syringe as part of the program.

H.B. 3256 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 certain 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, 2017.