

BILL ANALYSIS

Senate Research Center
85R12468 AAF-D

H.B. 1816
By: Metcalf (Creighton)
Natural Resources & Economic Development
5/15/2017
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

A vehicle used by a medical supply distributor to transport prescription drugs and other medical supplies to an emergency care facility or pharmacy located in an area declared a disaster area by the governor under Chapter 418, Government Code, may have access to highways, streets, and bridges as if the transport vehicle were an emergency vehicle if:

- (1) law enforcement officials in the disaster area can provide adequate security to protect the prescription drugs and other medical supplies from theft;
- (2) the weight of the vehicle will not jeopardize the structural integrity of any highway, street, or bridge located in the disaster area; and
- (3) the vehicle will not negatively impact evacuation activities or any response or recovery activities in the disaster area.

The Texas Division of Emergency Management (TDEM) is required to establish procedures to assist medical supply distributors in accessing highways, streets, and bridges as authorized by the provisions above. TDEM will also provide medical supply distributors with documentation specifying the distributor's access to highways, streets, and bridges as authorized by the provisions above.

H.B. 1816 amends current law relating to the operation of medical supply transport vehicles during a declared state of disaster.

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 546, Transportation Code, by adding Subchapter C, as follows:

SUBCHAPTER C. OPERATION OF MEDICAL SUPPLY TRANSPORT VEHICLES

Sec. 546.051. DEFINITIONS. Defines "emergency care facility," "freestanding emergency medical care facility," "medical supply distribution," "nursing home," "pharmacy," and "trauma facility."

Sec. 546.052. MEDICAL SUPPLY TRANSPORT VEHICLES DURING DECLARED DISASTER. (a) Authorizes a vehicle used by a medical supply distributor to transport prescription drugs and other medical supplies to an emergency care facility, pharmacy, or nursing home located in an area declared a disaster area by the governor under Chapter 418 (Emergency Management), Government Code, to have access to highways, streets, and bridges as if the transport vehicle were an emergency vehicle if the transport vehicle will not negatively impact evacuation activities or any response or recovery activities in the disaster area.

(b) Requires the Texas Division of Emergency Management (TDEM) to:

(1) establish procedures to assist medical supply distributors in accessing highways, streets, and bridges as authorized by Subsection (a); and

(2) provide medical supply distributors with documentation specifying the distributors' access to highways, streets, and bridges as authorized by Subsection (a).

(c) Provides that this section does not create a cause of action against a law enforcement officer involved in assisting a medical supply distributor under this section for any harm done to the distributor resulting from that assistance.

SECTION 2. Requires TDEM, not later than September 1, 2018, to establish the procedures required by Section 546.052(b)(1), Transportation Code, as added by this Act.

SECTION 3. Effective date: September 1, 2017.