

BILL ANALYSIS

C.S.H.B. 75
By: Minjarez
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Concerns have been raised regarding the possibility of prosecution faced by persons involved in the operation of needle exchange programs, which reportedly help prevent the spread of certain infectious and communicable diseases. C.S.H.B. 75 seeks to address these concerns by establishing an exception to the application of the offense of possessing or delivering drug paraphernalia for persons involved in certain pilot programs.

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

C.S.H.B. 75 amends the Health and Safety Code to except from the application of the Class C misdemeanor and Class A misdemeanor offenses of possession or delivery of drug paraphernalia under the Texas Controlled Substances Act an actor who is an employee, volunteer, duly authorized agent, or participant in, or is otherwise involved in operating, a pilot program established under other law to prevent the spread of certain infectious and communicable diseases.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 75 differs from the original only by including a short title for the bill.