

SUBJECT: Expanding reporting requirements for public and animal health threats

COMMITTEE: Public Health — favorable, without amendment

VOTE: 9 ayes — Capelo, Laubenberg, Truitt, Coleman, Dawson, McReynolds, Naishat, Taylor, Zedler

0 nays

SENATE VOTE: On final passage, May 22 — 31-0, on Local and Uncontested Calendar

WITNESSES: No public hearing

BACKGROUND: The Model State Emergency Health Powers Act, drafted by the Center for Law and the Public's Health at Georgetown and Johns Hopkins Universities as a model for state legislation, makes recommendations for reporting to detect and track public health emergencies. The model act recommends that states require pharmacists to report any unusual or increased prescription rates, unusual types of prescriptions, or unusual trends in pharmacy visits that may be potential causes of a public health emergency. It also recommends that veterinarians, livestock owners, veterinary diagnostic laboratory directors, and other people with care of animals report animals that have or are suspected of having diseases that could cause a public health emergency.

Occupations Code, ch. 562, subch. B, regulates certain practices by licensed pharmacies and pharmacists in Texas.

Health and Safety Code, ch. 81 establishes reporting requirements for communicable diseases. Sec. 81.042(e) requires certain people to report to the local health authority or to the Texas Department of Health (TDH) a suspected case of a reportable disease and all known information about the person who has or is suspected of having the disease. The types of people required to report this information range from professional nurses to administrators of nursing homes or home health agencies, from managers of restaurants or food handling outlets to health officials at colleges and universities, from child-care administrators to health officials at penal and correctional institutions.

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Agriculture Code, sec. 161.101 requires veterinarians to report specific diseases among domestic and exotic livestock and fowls to the Texas Animal Health Commission (TAHC) within 24 hours of diagnosis. TAHC also may adopt rules requiring veterinarians to report other diseases, such as foreign animal diseases or diseases that are the subject of a state of emergency, as declared by the governor. Other reports may be required if necessary to protect animal health in the state.

DIGEST: SB 399 would expand the scope of reporting requirements for communicable human and animal diseases in line with recommendations of the Model State Emergency Health Powers Act.

The bill would add emergency medical service personnel, peace officers, and firefighters to the list of people required to report suspected cases of a communicable disease to TDH or to the local health authority.

Pharmacists would have to report to TDH any unusual or increased prescription rates, unusual types of prescriptions, or unusual trends in pharmacy visits that could be caused by bioterrorism, epidemic or pandemic disease, or infectious agents or biological toxins that might pose a substantial public health risk. Events that would require reports include:

- an unusual increase in the number of prescriptions or requests for over-the-counter medicines to treat respiratory or gastrointestinal complaints or fever; and
- any prescription that treats a disease that is relatively uncommon and has bioterrorism potential.

SB 399 would require veterinary diagnostic laboratories and people with care, custody, or control of animals to report certain animal diseases to TAHC within 24 hours of diagnosis.

The bill would take effect September 1, 2003.

NOTES: HB 9 by Flores, the Texas Homeland Security Act, passed the Senate on May 21 and is now in conference committee.