

BILL ANALYSIS

Senate Research Center
80R3212 ABC-D

S.B. 308
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Health & Human Services
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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 communities have begun providing clean needles and syringes, which research has shown can significantly reduce the spread of communicable diseases without increasing drug use. Texas law currently does not provide for these programs.

As proposed, S.B. 308 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

Rulemaking authority is expressly granted to the Texas Board of Health or its successor in SECTION 1 (Section 81.403, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

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

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

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 certain entities charged with protecting the public health (local health authority) to establish a disease control program (program) that provides for the anonymous exchange of used hypodermic needles and syringes (needles) for a equal number of new needles (needle exchange), that offers education on the transmission and prevention of certain communicable diseases, and that assists program participants in obtaining health-related services.

(b) Authorizes a local health authority to charge a fee for the needle exchange that does not exceed 150 percent of the actual cost of the needles.

(c) Requires a local health authority to annually provide the Texas Department of Health with information on the effectiveness of the program, the program's impact on reducing the spread of certain communicable diseases, and the program's effect on injected drug use in the area served by the local health authority.

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), Health and Safety Code, to distribute needles to a program authorized by this subchapter.

Sec. 81.403. HANDLING OF NEEDLES AND SYRINGES. Requires the operator of a program to store needles in a proper and secure manner. Provides that only authorized employees or volunteers of the program are to have access to the needles. Provides that program clients may only obtain needles from an authorized employee or volunteer. Requires the operator of a program to store and dispose of used needles in accordance with rules of the Texas Board of Health.

SECTION 2. Amends Section 481.125, Health and Safety Code, by adding Subsection (g) to exempt a person from current law defining possession or distribution of drug paraphernalia as an offense if the person is found manufacturing needles that are delivered or are to be delivered through the program, or if the person uses, possesses, or delivers needles that are delivered or are to be delivered through the program and presents evidence showing that the person is an employee, volunteer, or participant of the program.

SECTION 3. Provides that the purpose of this Act is to authorize programs to combat the spread of certain infectious and communicable diseases.

SECTION 4. (a) Makes application of Section 481,125, Health and Safety Code, as amended by this Act, prospective. Provides that an offense is committed before the effective date of this Act if any element of the offense occurs before the effective date.

(b) Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 2007.