

BILL ANALYSIS

Senate Research Center
85R3453 KKR-D

S.B. 158
By: Hinojosa
Veteran Affairs & Border Security
4/10/2017
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Many service members and veterans who served in certain conflicts abroad have been exposed to open air burn pit smoke or other airborne hazards during their service, causing serious and potentially fatal health issues. Concerns have been raised regarding the level of outreach to such service members and veterans regarding resources that may be available to them.

S.B. 158 establishes the Texas Open Burn Pit Registry to facilitate outreach, education, and advocacy related to health concerns as a result of exposure to burn pit smoke or other airborne hazards. There is no federal or state outreach effort to provide service members, who may have resulting health problems, with information on how to get help. Without outreach, veterans do not know what resources are available to them or what may have caused their health problems.

Veterans and active service members have been exposed to a number of toxins and hazardous materials in foreign conflicts. In more recent conflicts, since the Gulf War, service members have been exposed to open burn pits used to dispose of waste.

The U.S. Department of Veterans Affairs has recognized possible health effects and in 2011 federal law created the Airborne Hazards and Open Burn Pit Registry. The registry is used to track related diseases, provide resources to veterans, assist with health care access, and conduct research.

The health issues related to exposure to open air burn pits may be temporary or long-term. Exposure to these toxins can cause issues with skin, eye, respiratory and cardiovascular systems, gastrointestinal tract and internal organs, according to the U.S. Department of Veterans Affairs. Exposure may also lead to illness years after return, such as constrictive bronchiolitis, skin cancer, colon cancer, memory loss and headaches.

S.B. 158 Registry Information:

- The registry will include voluntarily submitted information on service members/veterans such as service history, medical conditions, and name, address, and phone number.
- The registry will electronically link with the U.S. Department of Veterans Affairs registry.
- Outreach efforts will include informing service members and families on how to use the registry, scientific/medical developments, treatment availability, and disability resources.
- There will be a report every two years assessing the effectiveness of information collection and any recommendations to improve the process.

Key Terms:

Open burn pit or "open air burn pit" is a site used for the disposal of solid waste by burning it outdoors without the use of a commercially manufactured incinerator or other equipment specifically designed and manufactured for burning solid waste.

Service member - currently serving in the U.S. Armed Forces, a U.S. auxiliary force including the National Guard, or state military forces including the Texas National Guard, the Texas State Guard, or any other active militia/military force organized under state law.

Veteran - who previously served in the U.S. Armed Forces, a U.S. auxiliary force including the National Guard, or state military forces including the Texas National Guard, the Texas State Guard, or any other active militia/military force organized under state law.

As proposed, S.B. 158 amends current law relating to the creation of an open burn pit registry for certain service members and veterans.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 2 (Section 99.002, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Requires this Act to be known as the Service Member and Veteran Open Burn Pit Registry Act.

SECTION 2. Amends Subtitle D, Title 2, Health and Safety Code, by adding Chapter 99, as follows:

CHAPTER 99. OPEN BURN PIT REGISTRY

Sec. 99.001. DEFINITIONS. Defines "airborne hazard," "open burn pit," "service member," and "veteran."

Sec. 99.002. RULES; MEMORANDUM OF UNDERSTANDING. Requires the executive commissioner of the Texas Health and Human Services Commission (executive commissioner) to adopt rules necessary to administer this chapter, and authorizes the executive commissioner to enter into a memorandum of understanding with the United States Department of Veterans Affairs as necessary.

Sec. 99.003. OPEN BURN PIT REGISTRY. (a) Requires the Department of State Health Services (DSHS), for outreach, education, and advocacy, to create and maintain an open burn pit registry of service members and veterans who were exposed to open burn pit smoke or other airborne hazards during their military service in certain theaters or conflicts.

(b) Requires DSHS to include for each entry in DSHS's open burn pit registry certain information relating to the service member's current contact information, military service history, and relevant medical history.

(c) Requires DSHS to share the information included in the open burn pit registry with the United States Department of Veterans Affairs (VA) Airborne Hazards and Open Burn Pit Registry and electronically link the registry created under this chapter with the federal registry.

Sec. 99.004. VOLUNTARY REGISTRATION. Authorizes a described service member or veteran, or a family member of that service member or veteran, to voluntarily register a case of exposure to open burn pit smoke or other airborne hazards with DSHS for inclusion in the registry.

Sec. 99.005. CONFIDENTIALITY. Provides that entries and information obtained under this chapter are confidential and are not subject to disclosure under Chapter 552 (Public Information), Government Code, or subpoena, and are prohibited to be made public except as provided by this section or Section 99.003.

Sec. 99.006. OPEN BURN PIT INFORMATION. Requires DSHS, with the assistance of the Texas Veterans Commission, to develop and include on its Internet website certain information relating to use of the registry, scientific developments, availability of treatment, and the process for applying and appealing to the VA for service-related disability compensation.

Sec. 99.007. REPORT. Requires DSHS to submit a report, not later than December 1 of each even-numbered year following the creation of the registry, to the appropriate standing committees of the house of representatives and senate that includes an assessment of the effectiveness of collection and maintenance of information on the health effects of exposure to open burn pit smoke, and any recommendation to improve the collection and maintenance of that information.

SECTION 3. (a) Requires the executive commissioner to adopt the rules and enter into any memorandum of understanding not later than March 1, 2018.

(b) Requires DSHS to submit an initial report not later than December 1, 2018, notwithstanding Section 99.007, Health and Safety Code, as added by this Act.

SECTION 4. Effective date: September 1, 2017.