

## **BILL ANALYSIS**

Senate Research Center  
86R29111 KKR-D

C.S.H.B. 306  
By: Herrero et al. (Hinojosa)  
Veteran Affairs & Border Security  
4/25/2019  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

It has been noted that service members and veterans who served in certain conflicts abroad may have been exposed to open burn pit smoke or other airborne hazards during their service. H.B. 306 seeks to facilitate outreach and education related to health concerns resulting from exposure to open burn pit smoke or other airborne hazards by providing for the creation of an open burn pit registry.

- 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.

H.B. 306 protects veterans' records and confidentiality by establishing strict guidelines on how the registry's information can be shared with another agency. It prevents the open sharing of information with the public. (Original Author's/Sponsor's Statement of Intent)

C.S.H.B. 306 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," "open air burn pit," "service member," and "veteran."

Sec. 99.002. RULES; MEMORANDUM OF UNDERSTANDING. (a) Requires the executive commissioner of the Health and Human Services Commission (executive commissioner; HHSC) to adopt the 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 (VA) as necessary to administer this chapter.

(b) Requires a memorandum of understanding entered into under Subsection (a) to ensure that the VA will maintain the confidentiality of a service member or veteran's personally identifying information that is submitted by the Department of State Health Services (DSHS) to the VA under this chapter.

Sec. 99.003. OPEN BURN PIT REGISTRY. (a) Requires DSHS, for outreach and education related to exposure to open burn pit smoke or other airborne hazards by service members and veterans in this state, 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 specified conflicts.

(b) Requires DSHS to include for each entry in the open burn pit registry:

(1) the service member's or veteran's name, address, phone number, and e-mail address;

(2) the location of the service member's or veteran's service and the period of service;

(3) any medical condition or death of the service member or veteran that may be related to exposure to open burn pit smoke or other airborne hazards; and

(4) any other information that DSHS or the VA considers necessary.

(c) Requires DSHS to:

(1) share the information included in DSHS's open burn pit registry with the VA Airborne Hazards and Open Burn Pit Registry; and

(2) electronically link the open burn pit registry created under this chapter with the federal registry.

Sec. 99.004. VOLUNTARY REGISTRATION. Authorizes a service member or veteran described by Section 99.003, 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, are not subject to subpoena, and are prohibited from otherwise being released or made public except to the VA as provided by 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 information to inform service members, veterans, and their families about the:

(1) registration and use of DSHS's open burn pit registry and the VA Airborne Hazards and Open Burn Pit Registry;

(2) most recent scientific developments on the health effects of exposure to open burn pit smoke and other airborne hazards and the status of any illness or condition that is presumed to be caused by exposure to open burn pit smoke or other airborne hazards as designated by the VA;

(3) availability of any treatment offered by the VA for an illness or condition that may be caused by exposure to open burn pit smoke or other airborne hazards;

(4) process for applying to the VA for service-related disability compensation for an illness or condition that may be related to exposure to open burn pit smoke or other airborne hazards, including the methods for documenting the illness or condition; and

(5) manner of appealing to the VA an existing service-related disability rating decision or requesting an increased service-related disability rating based on an illness or condition that may be related to exposure to open burn pit smoke or other airborne hazards.

Sec. 99.007. REPORT. Requires DSHS, not later than December 1 of each even-numbered year following the creation of the registry, to submit a report to the appropriate standing committees of the house of representatives and senate that includes:

(1) an assessment of the effectiveness of collection and maintenance of information on the health effects of exposure to open burn pit smoke and other airborne hazards; and

(2) any recommendation to improve the collection and maintenance of information about the health effects of exposure to open burn pit smoke and other airborne hazards.

SECTION 3. (a) Requires the executive commissioner, not later than March 1, 2020, to adopt the rules and enter into any memorandum of understanding necessary to administer this Act.

(b) Requires DSHS, notwithstanding Section 99.007, Health and Safety Code, as added by this Act, to submit an initial report under that section not later than December 1, 2020.

SECTION 4. Provides that DSHS is required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. Authorizes, but does not require, DSHS, if the legislature does not appropriate money specifically for that purpose, to implement a provision of this Act using other appropriations available for that purpose.

SECTION 5. Effective date: September 1, 2019.