

## **BILL ANALYSIS**

Senate Research Center  
87R1818 SCL-D

S.B. 437  
By: Blanco  
Health & Human Services  
3/26/2021  
As Filed

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

Texas does not maintain a stockpile of personal protective equipment (PPE). As a response to the Ebola outbreak in 2014, Governor Abbott formed a task force of infectious disease preparedness and response. One of the task force's recommendations included requiring the Department of State Health Services (DSHS) to create a stockpile of PPE.

When COVID-19 cases spiked in March of 2020, the high demand and delayed imports of PPE caused a shortage in Texas. Respirator masks, gloves, gowns, and other equipment were scarce and expensive, creating unsafe working conditions for essential personnel at hospitals and particularly nursing homes. In his 2022-2023 budget, Governor Abbott highlighted the need to maintain an adequate supply of PPE and recommended that the legislature address the critical storage need to ensure future availability.

S.B. 437 requires the state to maintain a 90-day stockpile of personal protective equipment.

As proposed, S.B. 437 amends current law relating to the state reserve of personal protective equipment for health care workers and essential personnel.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 (Section 81.453, Health and Safety Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

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

#### **SUBCHAPTER K. PERSONAL PROTECTIVE EQUIPMENT RESERVE**

Sec. 81.451. DEFINITIONS. Defines "advisory committee," "essential personnel," "health care worker," "personal protective equipment," and "reserve."

Sec. 81.452. ESTABLISHMENT AND MAINTENANCE OF RESERVE. Requires the Department of State Health Services (DSHS), in coordination with other relevant state agencies, to establish and maintain a reserve of personal protective equipment for use by health care workers and essential personnel during a public health disaster or other public health emergency. Requires that the reserve maintain at least a 90-day supply of the equipment.

Sec. 81.453. MANAGEMENT OF RESERVE. (a) Requires the executive commissioner of the Health and Human Services Commission (executive commissioner) by rule to establish guidelines for the procurement, storage, and distribution of the reserve's personal protective equipment.

(b) Requires the executive commissioner, at a minimum, when adopting rules under this section, to consider certain guidelines for the procurement, storage, and distribution of the reserve's personal protective equipment.

(b-1) Requires the executive commissioner, in adopting rules under this section, to consider the recommendations of the Personal Protective Equipment Reserve Advisory Committee (advisory committee). Provides that this subsection expires September 1, 2023.

(c) Prohibits the guidelines for personal protective equipment standards adopted under this section from being less protective or stringent than federal, state, or local guidelines on personal protective equipment.

Sec. 81.454. ADVISORY COMMITTEE. (a) Requires DSHS to establish the Personal Protective Equipment Reserve Advisory Committee, and sets forth the composition of the committee to be appointed by the executive commissioner.

(b) Requires the advisory committee to make recommendations to the executive commissioner as necessary to develop the rules required under Section 81.453.

(c) Provides that this section expires and the advisory committee is abolished September 1, 2023.

SECTION 2. (a) Requires DSHS to establish the personal protective equipment reserve as required by Section 81.452, Health and Safety Code, as added by this Act, not later than September 1, 2022.

(b) Requires the executive commissioner to adopt rules necessary to implement Section 81.453, Health and Safety Code, as added by this Act, not later than September 1, 2022.

(c) Requires the executive commissioner, as soon as practicable after the effective date of this Act, to appoint members to the advisory committee established under Section 81.454, Health and Safety Code, as added by this Act.

SECTION 3. Effective date: upon passage or September 1, 2021.