

1-1 By: Kolkhorst S.B. No. 970  
 1-2 (In the Senate - Filed March 3, 2021; March 11, 2021, read  
 1-3 first time and referred to Committee on Health & Human Services;  
 1-4 May 5, 2021, reported favorably by the following vote: Yeas 9,  
 1-5 Nays 0; May 5, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to the repeal of certain provisions related to health and  
 1-20 human services.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. (a) Section 38.064, Education Code, is  
 1-23 repealed.

1-24 (b) The following provisions of the Health and Safety Code  
 1-25 are repealed:

- 1-26 (1) Chapter 39;
- 1-27 (2) Sections 43.003(a)(3), (4), and (5);
- 1-28 (3) Sections 43.004(a), (b), (c), and (f);
- 1-29 (4) Section 43.006;
- 1-30 (5) Section 43.007;
- 1-31 (6) Section 43.008;
- 1-32 (7) Section 43.009;
- 1-33 (8) Section 43.010;
- 1-34 (9) Section 43.011;
- 1-35 (10) Section 43.012;
- 1-36 (11) Section 43.013;
- 1-37 (12) Section 43.014;
- 1-38 (13) Section 81.307;
- 1-39 (14) Section 92.003;
- 1-40 (15) Section 92.010;
- 1-41 (16) Section 94.004;
- 1-42 (17) Subchapter B, Chapter 95;
- 1-43 (18) Chapter 97;
- 1-44 (19) Section 104.0156;
- 1-45 (20) Section 105.007;
- 1-46 (21) Section 146.0021;
- 1-47 (22) Section 146.022;
- 1-48 (23) Section 146.023;
- 1-49 (24) Section 146.024;
- 1-50 (25) Section 146.025;
- 1-51 (26) Section 161.353;
- 1-52 (27) Section 168.010;
- 1-53 (28) Section 431.408;
- 1-54 (29) Subchapter O, Chapter 431; and
- 1-55 (30) Section 673.004.

1-56 (c) Chapter 131, Human Resources Code, is repealed.

1-57 SECTION 2. Section 43.003(a)(2), Health and Safety Code, is  
 1-58 amended to read as follows:

1-59 (2) "Oral health services" means[+  
 1-60 [~~(A) preventive or treatment services affecting~~  
 1-61 ~~the structures of the mouth, including the hard and soft tissues~~

2-1 ~~such as teeth, jaws, gums, vestibule, tongue, cheeks, lips, floor~~  
2-2 ~~and roof of the mouth, and adjacent masticatory structures, and~~  
2-3 [~~B~~] oral health education and promotion  
2-4 activities.

2-5 SECTION 3. Section 43.004(d), Health and Safety Code, is  
2-6 amended to read as follows:

2-7 (d) The department may establish an oral health services  
2-8 program that may consist of all or any combination of the following:

2-9 (1) ~~treatment services for eligible individuals,~~  
2-10 ~~including:~~

2-11 [~~A~~] ~~emergency care for relief of pain and~~  
2-12 ~~infection, including extractions and basic restorative services to~~  
2-13 ~~prevent premature loss of teeth;~~

2-14 [~~B~~] ~~periodontal therapy for the prevention and~~  
2-15 ~~treatment of periodontal disease;~~

2-16 [~~C~~] ~~endodontics to maintain aesthetics and~~  
2-17 ~~occlusion;~~

2-18 [~~D~~] ~~orthodontic care only in cases of severely~~  
2-19 ~~handicapping malocclusion; and~~

2-20 [~~E~~] ~~oral surgery and prosthetics in cases in~~  
2-21 ~~which health is impaired;~~

2-22 [~~2~~] a program of oral disease prevention, including:

2-23 (A) the fluoridation of community water  
2-24 supplies;

2-25 (B) fluoride mouth rinse programs in schools; and

2-26 (C) the promotion and implementation of sealants  
2-27 programs; ~~and~~

2-28 [~~D~~] ~~the development of appropriate means for~~  
2-29 ~~prevention of oral disease, including the continued use of~~  
2-30 ~~recognized methods of primary, secondary, and tertiary~~  
2-31 ~~prevention;]~~

2-32 (2) [~~3~~] oral health education and promotion,  
2-33 including:

2-34 (A) public health education to promote the  
2-35 prevention of oral disease through self-help methods, including the  
2-36 initiation and expansion of preschool, school age, and adult  
2-37 education programs;

2-38 (B) organized continuing health education  
2-39 training programs for health care providers; and

2-40 (C) preventive health education information for  
2-41 the public; and

2-42 (3) [~~4~~] facilitation of access to oral health  
2-43 services, including:

2-44 (A) the improvement of the existing oral health  
2-45 services delivery system for the provision of services to  
2-46 low-income residents;

2-47 (B) outreach activities to inform the public of  
2-48 the type and availability of oral health services to increase the  
2-49 accessibility of oral health care for low-income residents; and

2-50 (C) assistance and cooperation in promoting  
2-51 better distribution of dentists and other oral health professionals  
2-52 throughout the state.

2-53 SECTION 4. Section 101.008, Health and Safety Code, is  
2-54 amended to read as follows:

2-55 Sec. 101.008. DUTIES OF DEPARTMENT. The department shall:

2-56 (1) provide administrative assistance, services, and  
2-57 materials to the council;

2-58 (2) accept, deposit, and disburse funds made available  
2-59 to the council at the direction of the executive commissioner;

2-60 (3) accept gifts and grants on behalf of the council  
2-61 from any public or private entity; and

2-62 (4) ~~maintain a population data base of persons with~~  
2-63 ~~Alzheimer's disease and related disorders in this state; and~~

2-64 [~~5~~] apply for and receive on behalf of the council  
2-65 any appropriations, gifts, or other funds from the state or federal  
2-66 government or any other public or private entity, subject to  
2-67 limitations and conditions prescribed by legislative  
2-68 appropriation.

2-69 SECTION 5. Section 146.005, Health and Safety Code, is

3-1 amended to read as follows:

3-2 Sec. 146.005. FEES. The executive commissioner by rule  
3-3 shall set license [~~and registration fees~~] and license [~~and~~  
3-4 ~~registration~~] renewal fees in amounts necessary [~~for the~~  
3-5 ~~department~~] to administer this chapter.

3-6 SECTION 6. Section 146.021(c), Health and Safety Code, is  
3-7 amended to read as follows:

3-8 (c) If the license [~~or registration~~] holder cannot be  
3-9 located for a notice required under this section, the department  
3-10 shall provide notice by posting a copy of the order on the front  
3-11 door of the premises of the license holder [~~or the premises where~~  
3-12 ~~the registration holder is employed~~].

3-13 SECTION 7. Section 161.0074(c), Health and Safety Code, is  
3-14 amended to read as follows:

3-15 (c) The report must:

3-16 (1) include the current immunization rates by  
3-17 geographic region of the state, where available;

3-18 (2) focus on the geographic regions of the state with  
3-19 immunization rates below the state average for preschool children;

3-20 (3) describe the approaches identified to increase  
3-21 immunization rates in underserved areas and the estimated cost for  
3-22 each;

3-23 (4) identify changes to department procedures needed  
3-24 to increase immunization rates;

3-25 (5) identify the services provided under and  
3-26 provisions of contracts entered into by the department to increase  
3-27 immunization rates in underserved areas;

3-28 (6) identify performance measures used in contracts  
3-29 described by Subdivision (5);

3-30 (7) include the number and type of exemptions used in  
3-31 the past year;

3-32 (8) include the number of complaints received by the  
3-33 department related to the department's failure to comply with  
3-34 requests for exclusion of individuals from the registry;

3-35 (9) identify all reported incidents of discrimination  
3-36 for requesting exclusion from the registry or for using an  
3-37 exemption for a required immunization; and

3-38 (10) [~~include department recommendations about the~~  
3-39 ~~best way to use, and communicate with, local registries in the~~  
3-40 ~~state, and~~

3-41 [~~(11)~~] include ways to increase provider  
3-42 participation in the registry.

3-43 SECTION 8. Section 161.352(a), Health and Safety Code, is  
3-44 amended to read as follows:

3-45 (a) Each manufacturer shall file with the department an  
3-46 annual report for each cigarette or tobacco product distributed in  
3-47 this state, stating[+]

3-48 [~~(1)~~] the identity of each ingredient in the cigarette  
3-49 or tobacco product, listed in descending order according to weight,  
3-50 measure, or numerical count, other than:

3-51 (1) [~~(A)~~] tobacco;

3-52 (2) [~~(B)~~] water; or

3-53 (3) [~~(C)~~] a reconstituted tobacco sheet made wholly  
3-54 from tobacco[+ and

3-55 [~~(2) a nicotine yield rating for the cigarette or~~  
3-56 ~~tobacco product established under Section 161.353].~~

3-57 SECTION 9. Sections 431.4031(a) and (b), Health and Safety  
3-58 Code, are amended to read as follows:

3-59 (a) A wholesale distributor that distributes prescription  
3-60 drugs that are medical gases or a wholesale distributor that is a  
3-61 manufacturer or a third-party logistics provider on behalf of a  
3-62 manufacturer is exempt from Sections 431.404(a)(5) and (6), (b),  
3-63 and (c), 431.4045(2), 431.405, and 431.407[+ and 431.408].

3-64 (b) A state agency or a political subdivision of this state  
3-65 that distributes prescription drugs using federal or state funding  
3-66 to nonprofit health care facilities or local mental health or  
3-67 mental retardation authorities for distribution to a pharmacy,  
3-68 practitioner, or patient is exempt from Sections 431.405(b),  
3-69 431.407, [~~431.408,~~] 431.412, and 431.413.

4-1 SECTION 10. On the effective date of this Act:  
4-2 (1) the following are abolished:  
4-3 (A) the children's outreach heart program;  
4-4 (B) the oral health improvement services  
4-5 program;  
4-6 (C) the arthritis control and prevention  
4-7 program;  
4-8 (D) the health care information technology  
4-9 advisory committee;  
4-10 (E) the diabetes intervention pilot program;  
4-11 (F) the prescription drug donation pilot  
4-12 program; and  
4-13 (G) the Health and Human Services Office of  
4-14 Community Transportation Services;  
4-15 (2) any remaining obligations, rights, contracts,  
4-16 records, real and personal property, funds, appropriations, and  
4-17 money of the children's outreach heart program, the arthritis  
4-18 control and prevention program, the oral health improvement  
4-19 services program, the diabetes intervention pilot program, and the  
4-20 prescription drug donation pilot program are transferred to the  
4-21 Department of State Health Services;  
4-22 (3) any remaining obligations, rights, contracts,  
4-23 records, real and personal property, funds, appropriations, and  
4-24 money of the health care information technology advisory committee  
4-25 are transferred to the statewide health coordinating council under  
4-26 Subchapter B, Chapter 104, Health and Safety Code; and  
4-27 (4) any remaining obligations, rights, contracts,  
4-28 records, real and personal property, funds, appropriations, and  
4-29 money of the Health and Human Services Office of Community  
4-30 Transportation Services are transferred to the Health and Human  
4-31 Services Commission.

4-32 SECTION 11. This Act takes effect September 1, 2021.

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