

Amend CSHB 3485 (Senate committee printing) Section 2, Chapter 81, Health and Safety Code, by adding Subchapter J to read as follows:

Subchapter J. OUTREACH PROGRAMS TO REDUCE RISK OF CERTAIN

COMMUNICABLE DISEASES

Sec. 81.401. This subchapter applies only to a county with a population of 300,000 or more.

Sec. 81.402. DISEASE CONTROL OUTREACH PROGRAMS. (a) A local health authority or an organization that contracts with a county, municipality, hospital district, or other local governmental entity charged with protecting the public health may establish a disease control outreach program that:

(1) assists outreach program participants in obtaining health care and other physical and mental health-related services, including substance abuse treatment services and blood-borne disease testing;

(2) offers education on the transmission and prevention of communicable diseases, including hepatitis C, hepatitis B, and HIV; and

(3) provides for the anonymous exchange of used hypodermic needles and syringes for an equal number of new hypodermic needles and syringes.

(b) A local health authority or other organization operating a disease control outreach program authorized by this subchapter may charge a participant in the outreach program a fee for each hypodermic needle or syringe used in the outreach program not to exceed 150 percent of the actual cost of the hypodermic needle or syringe.

(c) A local health authority or other organization operating a disease control outreach program authorized by this subchapter shall annually provide the department with information on;

(1) the effectiveness of the disease control outreach program, including:

(A) the number of clients served by the program; and

(B) the methods of distribution;

(2) the disease control outreach program's impact on reducing the spread of communicable diseases, such as hepatitis C, hepatitis B, and HIV, including:

(A) the number of syringes collected and the number of syringes disposed of through the program;

(B) the number of referrals for testing for communicable diseases made by the program; and

(C) a list of the facilities to which individuals are referred by the program to receive testing described by Paragraph (B); and

(3) the disease control outreach program's effect on injected drug use in the area served by the local health authority, including:

(A) the number of referrals for substance abuse treatment made by the program;

(B) a list of facilities to which individuals are referred by the program to receive substance abuse treatment; and

(C) other information specified by the department.

Sec. 81.403. DISTRIBUTION OF NEEDLES AND SYRINGES TO OUTREACH PROGRAM. A person licensed as a wholesale drug distributor or device distributor under Chapter 431 may distribute hypodermic needles and syringes to a disease control outreach program authorized by this subchapter.

Sec. 81.404. HANDLING OF NEEDLES AND SYRINGES. (a) The operator of a disease control outreach program shall store hypodermic needles and syringes in a proper and secure manner. Only authorized employees or volunteers of hypodermic needles and syringes. Outreach program clients may obtain hypodermic needles and syringes only from an authorized employee or volunteer.

(b) The operator of a disease control outreach program authorized by this subchapter shall store and dispose of used hypodermic needles and syringes in accordance with department rule.

SECTION 3. Section 481.125, Health and Safety Code, is amended by adding Subsection (g) to read as follows:

(g) It is a defense to prosecution under Subsections (a) and

(b) that:

(1) the person manufactures hypodermic needles or syringes that are delivered or are to be delivered through a disease control outreach program established under Subchapter J, Chapter 81; or

(2) the person:

(A) uses, possesses, or delivers hypodermic needles or syringes that are delivered through a disease control outreach program established under Subchapter J, Chapter 81; and

(B) presents evidence showing that the person is an employee, volunteer, or participant of the disease control program.

(b) The change to Section 481.125, Health and Safety Code, made by this Act applies only to an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before the effective date.

(c) An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose.