

## **BILL ANALYSIS**

H.B. 283  
By: Herrero  
Public Health  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Interested parties note that service members and veterans who served in certain conflicts abroad may have been exposed to open air burn pit smoke or other airborne hazards during their service. Concerns have been raised regarding the level of outreach to such service members and veterans regarding resources that may be available to them. H.B. 283 seeks to facilitate outreach and education related to health concerns as a result of exposure to open burn pit smoke or other airborne hazards by providing for an open burn pit registry.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 2 of this bill.

### **ANALYSIS**

H.B. 283 amends the Health and Safety Code to require the Department of State Health Services (DSHS) 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 specified conflicts or theaters. The bill authorizes such a 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. The bill requires DSHS to include for each entry in the open burn pit registry the service member's or veteran's name, address, phone number, and electronic address; the location of the service member's or veteran's service and the period of service; 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 any other information that DSHS or the U.S. Department of Veterans Affairs (VA) considers necessary. The bill requires DSHS to share the information included in the open burn pit registry with the federal VA Airborne Hazards and Open Burn Pit Registry and to electronically link the open burn pit registry with the federal registry. The bill makes entries in and information obtained for the open burn pit registry confidential and exempt from disclosure under state public information law. Those entries and that information are not subject to subpoena and are otherwise prohibited from public release except as provided by the bill.

H.B. 283 requires DSHS, with the assistance of the Texas Veterans Commission, to develop and include on the DSHS website certain information relating to registration and use of the DSHS open burn pit registry and the federal VA Airborne Hazards and Open Burn Pit Registry; the health effects of exposure to open burn pit smoke and other airborne hazards, illnesses, or conditions presumed to be caused by such exposure, and the availability of related treatment; the

process for applying to the VA for service-related disability compensation for such an illness or condition; and the manner of appealing to the VA an existing service-related disability rating decision or requesting an increased service-related disability rating based on such an illness or condition.

H.B. 283 requires DSHS to submit a report to the appropriate standing committees of the legislature, not later than December 1 of each even-numbered year following the creation of the registry, 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 other airborne hazards, and 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. The bill requires DSHS to submit an initial report not later than December 1, 2018.

H.B. 283 requires the executive commissioner of the Health and Human Services Commission, not later than March 1, 2018, to adopt the rules and to enter into any memorandum of understanding with the VA necessary to administer the bill's provisions.

**EFFECTIVE DATE**

September 1, 2017.