

## **BILL ANALYSIS**

Senate Research Center

S.B. 1516  
By: Truan  
Health & Human Services  
4-21-97  
As Filed

### **DIGEST**

Currently, the term "occupational disease" is defined in two Texas statutes. Under Chapter 84, Health and Safety Code, when the Texas Department of Health (TDH) attempts to adopt a rule establishing a particular blood lead level for which the agency intends to require reporting, that level becomes an "occupational disease" as defined by statute and regulation. Under Chapter 401, Labor Code, the definition of "occupational disease" requires an individual diagnosis by a physician. As a result, TDH has the responsibility of defining a term that may be better left to physicians. This bill would amend the current law by striking the references to "occupational disease" in Chapter 84, Health and Safety Code, and replacing the term with "occupational condition." Additionally, this bill would provide that blood lead levels are laboratory findings reportable to TDH.

### **PURPOSE**

As proposed, S.B. 1516 strikes the references to "occupational disease" in Chapter 84, Health and Safety Code, and replaces the term with "occupational condition." Additionally, this bill provides that blood lead levels are laboratory findings reportable to TDH.

### **RULEMAKING AUTHORITY**

Rulemaking authority is granted to the Texas Board of Health in SECTION 2 (Section 84.003(b), Health and Safety Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends the heading of Chapter 84, Health and Safety Code, as follows:

CHAPTER 84. New heading: REPORTING OF OCCUPATIONAL CONDITIONS

SECTION 2. Amends Sections 84.001-84.003, Health and Safety Code, as follows:

Sec. 84.001. SHORT TITLE: Occupational Condition Reporting Act.

Sec. 84.002. DEFINITIONS. Defines "occupational condition," rather than "occupational disease," as a disease, abnormal health condition, or laboratory finding that is caused by or is related to exposure to a substance or condition in the workplace. Defines "reportable condition," rather than "reportable disease," as a disease, condition, or laboratory finding required to be reported under this chapter. Defines "health care professional."

Sec. 84.003. New heading: REPORTABLE CONDITIONS; RULES. Provides that asbestosis and silicosis are occupational conditions, rather than diseases, that are reportable to the Texas Department of Health (TDH). Provides that an elevated blood lead level in an adult is a laboratory finding that is reportable to TDH. Requires the Texas Board of Health (TBH) to adopt rules governing the blood lead levels that are reportable under this chapter. Requires TBH, before TBH requires another occupational condition to be reported, to find that the condition has a well-understood etiology; results predominantly from occupational exposure to a substance or condition; and is preventable. Makes conforming changes.

SECTION 3. Amends Sections 84.004(a) and (b), Health and Safety Code, to require a physician

who diagnoses or treats the individual with the occupational condition; a person who is in charge of a clinical or hospital laboratory, blood bank, mobile unit, or other facility in which a laboratory examination of any specimen derived from a human body yields microscopical, cultural, serological, or other evidence suggestive of the condition; and another health care professional who is aware of the case or suspected case of a reportable condition to report cases or suspected cases of reportable conditions to TDH. Deletes text in regard to certain notification. Makes conforming changes.

SECTION 4. Amends Sections 84.005(b) and (c), Health and Safety Code, to make conforming changes.

SECTION 5. Amends Section 84.006(a), Health and Safety Code, to make conforming changes.

SECTION 6. Amends Sections 87.007(a) and (b), Health and Safety Code, to make conforming changes.

SECTION 7. Emergency clause.  
Effective date: upon passage.