

FROM THE OFFICE OF
STATE REPRESENTATIVE RUTH JONES MCCLENDON

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Contact: Janis Reinken, Chief of Staff
512/463-0708 (Austin)



**Representative McClendon Announces
Attorney General Approves of Bexar County
Disease-Control Pilot Program
without Safe Needle Exchange**

(Austin / San Antonio) – State Representative Ruth Jones McClendon (D-House District 120) announced today that Attorney General Greg Abbott has issued his official opinion concerning the Bexar County disease-control and prevention pilot program, which would have authorized a ground-breaking needle exchange pilot program in Bexar County. The Opinion stated that the pilot program could proceed without the needle-and-syringe exchange component, although it had been authorized in the enabling legislation; however, if the County proceeds with the safe needle exchange program, the opinion states that participants in the program "would appear to be subject to prosecution."

Representative McClendon said, "Obviously, I am terribly disappointed that the safe needle exchange project cannot roll out this year as part of the overall disease-control pilot program, because the outcome would have been much more effective in saving thousands of lives and saving millions of taxpayer dollars at the same time. The concept of rehabilitation and restorative justice needs to be promoted as a meaningful part of our criminal justice system. This next Session, one of the first Bills I will file will be legislation allowing Bexar County and other Texas communities to implement safe needle exchange programs to prevent the spread of infectious diseases such as HIV-AIDS and Hepatitis C, for which there are, unfortunately, no vaccines available."

McClendon also said, "I want to offer my sincere thanks publicly to Senator Jeff Wentworth for taking the lead on this matter and submitting the opinion request. Controlling the spread of infectious diseases such as Hepatitis C and HIV-AIDS obviously would benefit the public at large, the medical community, the courts, and the taxpayers of Bexar County. I also want to thank Judge Nelson Wolff, the County Commissioners and community development staff, Senator Bob Deuell, the Texas Medical Association and Dr. Janet Realini, Dr. Bill Martin, the volunteer consultants, and the many other persons and organizations who advocated and worked so diligently to promote legislative and community approval for this program."

Senate Bill 10, known as the Omnibus Medicaid Bill, authorized a disease-control pilot program in Bexar County, specifically targeting infectious diseases such as hepatitis C and

HIV-AIDS, which cost the state around \$110,000,000 per year. The pilot program arose from a successful amendment to Senate Bill 10 by Representative McClendon. S.B.10 passed the Legislature and was signed by the Governor, enabling Bexar County to operate a safe needle-exchange outreach effort. The law was scheduled to take effect September 1, 2007, but public implementation was put on hold after District Attorney Susan Reed raised objections in August, saying that it would be illegal to conduct such a program because, in her opinion, the law was defective. The County Commissioners decided to fund the planning phase and engage a coordinator for the program while awaiting the opinion from the Attorney General.

Senator Jeff Wentworth, Chair of the Senate Judiciary Committee (R-Senate District 25) had submitted the request for the AG opinion in regard to part of S.B.10. The issues raised against the needle exchange challenged the meaning and effect of the pilot program statutory language in regard to trial procedure matters and the legal defenses that could be presented in court. As Chair of the Senate Jurisprudence Committee, Senator Wentworth submitted the opinion request, to determine whether this program could go forward as intended by the Legislature.