

HEALTH & SAFETY CODE

CHAPTER 83. EXPOSURE TO AGENT ORANGE

Sec. 83.001. DEFINITIONS. In this chapter:

(1) "Agent Orange" means the herbicide composed primarily of trichlorophenoxyacetic acid and dichlorophenoxyacetic acid.

(2) "Veteran" means a person who served in Vietnam, Cambodia, or Laos during the Vietnam conflict and was a resident of this state:

(A) when the person was inducted into the armed forces of the United States of America; or

(B) on March 31, 1981.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Sec. 83.002. REPORTS TO DEPARTMENT. (a) A physician having primary responsibility for treating a veteran who believes he may have been exposed to chemical defoliants or herbicides or other causative agents, including Agent Orange, while serving in the armed forces of the United States shall, at the request of the veteran, submit a report to the department.

(b) If there is no physician having primary responsibility for treating the veteran, the hospital treating the veteran shall, at the request of the veteran, submit the report to the department.

(c) If there is no physician or hospital treating the veteran, the veteran may submit the report directly to the department. If the veteran is deceased, the veteran's next of kin may submit the report.

(d) A report submitted under this section must be on a form provided by the department.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Sec. 83.003. INFORMATION TO DEPARTMENT. (a) The reporting form provided by the department to a physician must request the following information:

(1) symptoms of the veteran that may be related to exposure to a chemical defoliant or herbicide or other causative agent, including Agent Orange;

(2) diagnosis of the veteran; and

(3) methods of treatment prescribed.

(b) The reporting form provided by the department to a veteran or the veteran's next of kin must request the following information:

(1) symptoms of the veteran that may be related to exposure to a chemical defoliant or herbicide or other causative agent, including Agent Orange; and

(2) any other information as determined by the commissioner.

(c) The department may require the veteran to provide other information as determined by the commissioner.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Sec. 83.004. REPORTS BY DEPARTMENT. (a) The department shall compile and evaluate information submitted under this chapter into a report to be distributed annually to members of the legislature, the Veterans Administration, the Texas Veterans Commission, and other veterans' groups. The report must include statistical information and current research findings on the effects of exposure to chemical defoliants or herbicides or other causative agents, including Agent Orange.

(b) The department shall conduct epidemiological studies on veterans who have cancer or other medical problems associated with exposure to a chemical defoliant or herbicide or other causative agent, including Agent Orange, or who have children born with birth defects after the veterans' suspected exposure to a chemical defoliant or herbicide or other causative agent, including Agent Orange.

(c) The department must obtain consent from each veteran to be studied under Subsection (b).

(d) The department shall compile and evaluate information obtained from studies conducted under Subsection (b) into a report to be distributed as provided by Subsection (a).

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Sec. 83.005. CONFIDENTIALITY. (a) The identity of a veteran about whom a report has been made under Section 83.002 or 83.004 may not be disclosed unless the veteran consents to the disclosure.

(b) Statistical information collected under this chapter is public information.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Sec. 83.006. IMMUNITY FROM LIABILITY. A physician or hospital reporting in compliance with this chapter is not civilly or criminally liable for providing the information required by this chapter.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Sec. 83.007. CLASS ACTION SUIT. The attorney general may represent a class of individuals composed of veterans who may have been injured because of contact with chemical defoliants or herbicides or other causative agents, including Agent Orange, in a suit for release of information relating to exposure to the chemicals during military service and for release of individual medical records.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Sec. 83.008. ASSISTANCE PROGRAM. (a) The department and the health science centers and other medical facilities of The University of Texas System shall institute a cooperative program to:

(1) refer veterans to appropriate state and federal agencies to file claims to remedy medical and financial problems caused by the veterans' exposure to chemical defoliants or herbicides or other causative agents, including Agent Orange;

(2) provide veterans with cytogenetic, sperm, immunological, neurological, progeny birth defect, and other appropriate clinical or laboratory evaluations to determine if the veteran has suffered physical damage as a result of substantial exposure to chemical defoliants or herbicides or other causative agents, including Agent Orange;

(3) provide veterans with genetic counseling; and

(4) refer a veteran's child for further evaluation and treatment if the child has a birth defect and the suspected cause of the birth defect is the veteran's exposure to a chemical defoliant or herbicide or other causative agent, including Agent Orange.

(b) The commissioner shall adopt rules necessary to administer the program authorized by this section.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Sec. 83.009. CERTAIN CASES EXCLUDED. Sections 83.002 and 83.004 do not apply to veterans treated before January 1, 1982, for symptoms typical of a person who has been exposed to a chemical defoliant or herbicide or other causative agent, including Agent Orange.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.

Sec. 83.010. TERMINATION OF PROGRAMS AND DUTIES. If the commissioner determines that an agency of the federal government is performing the referral and screening functions required by Section 83.008, the commissioner may discontinue any program required by this chapter or any duty required of a physician or hospital under this chapter.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989.