

## 130.001 Condom Distribution

Policy Number	130.001
Effective Date	December 16, 1994
Revision Date	December 16, 2024
Subject Matter Expert	HIV Prevention Group
Approval Authority	HIV/STD Section Director
Signed by	<i>D'Andra Luna</i>

### 1.0 Purpose

The HIV/STD Prevention Unit (Unit) as part of the HIV/STD Section (Section) of the Department of State Health Services (DSHS) supplies prophylactics (condoms) free of charge to eligible organizations upon request and based on availability. This policy describes the requirements that agencies requesting condoms agree to and describes the procedures.

### 2.0 Definitions

**DSHS Contractor** – A legal entity contracted by DSHS to provide goods or services to people living with or affected by HIV or STDs or to implement goals supporting the Section's mission.

**DSHS Regional Health Departments** – DSHS health departments providing services through eight public health regional offices across Texas.

**Local Health Department** – A health jurisdiction smaller than the state health department. The core functions of a local health department include promoting community health through clinical assessment, assurance, and policy development.

**Non-DSHS Contractor** – A legal entity not contracted by DSHS to provide HIV/STD prevention, care services, and treatment services; yet whose patrons may include people living with HIV or those with greater vulnerability to HIV acquisition.

**Pharmacy Inventory and Ordering System (PIOS) (Provider Portal)** – The portal through which DSHS staff conduct a proper verification for provider site registrations. Once enrolled, programs can put in orders for medications, condoms, and HIV test kits with approval. See [Section policy 2023.019, PIOS User Access](#).

### 3.0 Persons Affected

- DSHS Contractors
- Non-DSHS Contractors

- DSHS Regional Health Departments
- Local Health Departments
- DSHS Pharmacy Unit Staff
- HIV/STD Prevention Unit Staff

## 4.0 Responsibilities

Condoms are available to agencies contracting or subcontracting with DSHS to provide HIV/STD prevention services (including HIV testing services), HIV-related medical and supportive services, or public health follow-up services for HIV/STD. Condoms are also available to regional and local health departments and other non-contracting providers of HIV/STD-related services. This last group includes direct grantees of HIV and STD-related funds from the Centers for Disease Control and Prevention, the Health Resources Services Administration, and the Substance Abuse and Mental Health Administration or other federal agencies.

DSHS has a limited supply of condoms, and the HIV/STD Prevention Unit does not guarantee the availability of condoms to every eligible organization. DSHS only considers condoms as an in-kind support for 340B eligibility for agencies that have an established Memorandum of Understanding.

Eligible entities:

- Use and submit the condom order form and set up a PIOS Account or have an active PIOS Account;
- Disclose all other funding resources available to purchase condoms to ensure the approval of the request does not supplant other funding sources;
- Ensure they distribute condoms in conjunction with existing HIV/STD services; and
- Comply with AIDS and HIV infection reporting requirements as specified in the Communicable Disease Prevention and Control Act ([Texas Health and Safety Code, Chapter 81](#)).

Entities receiving state-purchased condoms adhere to the following condom distribution guidelines:

- Entities do not distribute condoms to minors in connection with instruction related to human sexuality ([Texas Education Code §28.004\(f\)](#)),
- Entities make distribution available to communities disproportionately affected by HIV, especially those marginalized by social, economic, or other structural conditions, or to the general population within jurisdictions with high HIV incidence.
- Entities accompany distribution with safer sex messages explaining how to use condoms properly and consistently.
- Distribution includes information on how to obtain free or low-cost HIV/STD testing. This information can be verbal or written.
- Entities supply condoms to clients at no cost. Condoms supplied by DSHS are not for resale.

The HIV/STD Prevention Unit reserves the right to investigate alleged violations of this policy. If the investigation finds violations have occurred, the HIV/STD Prevention Unit bars the entity

from obtaining condoms. An entity found violating this policy may request reinstatement in the program following completion of a probationary period as decided by the HIV/STD Prevention Unit.

## 5.0 Procedures

### 5.1 Programs with access to PIOS

Entities with PIOS access submit condom requests via PIOS. The HIV/STD Prevention Unit fills requests pending available stock.

### 5.2 Entities without access to PIOS

Non-DSHS contractors submit [Form 130-001A, Condom Order Request](#) to [HIVSTDsupport@dshs.texas.gov](mailto:HIVSTDsupport@dshs.texas.gov). The HIV/STD Prevention Unit fills these orders on a case-by-case basis pending available stock.

The HIV/STD Prevention Unit responds to requests within 10 business days with a status of availability.

## 6.0 Associated Policies

Policy/Directive Number	Policy/Directive Name
2023.019	<u>PIOS User Access</u>

## 7.0 Associated Requirements and Documentation

File
<u>Form 130.001A - Condom Order Request</u>

## 8.0 Revision History

Date	Action	Section
12/16/2024	Complete rewrite	All
9/25/2014	Converted format (Word to HTML)	-
6/21/2006	Converted format (WordPerfect to Word)	-