

By: Raney, Guillen, Leach, Guerra,  
J. Johnson of Harris, et al.

H.B. No. 1694

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to a defense to prosecution for certain offenses involving  
3 possession of small amounts of controlled substances, marihuana,  
4 dangerous drugs, or abusable volatile chemicals, or possession of  
5 drug paraphernalia for defendants seeking assistance for a  
6 suspected overdose.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

8 SECTION 1. This Act may be cited as the Jessica Sosa Act.

9 SECTION 2. Section 481.115, Health and Safety Code, is  
10 amended by adding Subsections (g), (h), and (i) to read as follows:

11 (g) It is a defense to prosecution for an offense punishable  
12 under Subsection (b) that the actor:

13 (1) was the first person to request emergency medical  
14 assistance in response to the possible overdose of another person  
15 and:

16 (A) made the request for medical assistance  
17 during an ongoing medical emergency;

18 (B) remained on the scene until the medical  
19 assistance arrived; and

20 (C) cooperated with medical assistance and law  
21 enforcement personnel; or

22 (2) was the victim of a possible overdose for which  
23 emergency medical assistance was requested, by the actor or by  
24 another person, during an ongoing medical emergency.

1        (h) The defense to prosecution provided by Subsection (g) is  
2 not available if:

3            (1) at the time the request for emergency medical  
4 assistance was made:

5            (A) a peace officer was in the process of  
6 arresting the actor or executing a search warrant describing the  
7 actor or the place from which the request for medical assistance was  
8 made; or

9            (B) the actor is committing another offense,  
10 other than an offense punishable under Section 481.1151(b)(1),  
11 481.116(b), 481.1161(b)(1) or (2), 481.117(b), 481.118(b), or  
12 481.121(b)(1) or (2), or an offense under Section 481.119(b),  
13 481.125(a), 483.041(a), or 485.031(a);

14            (2) the actor has been previously convicted of or  
15 placed on deferred adjudication community supervision for an  
16 offense under this chapter or Chapter 483 or 485;

17            (3) the actor was acquitted in a previous proceeding  
18 in which the actor successfully established the defense under that  
19 subsection or Section 481.1151(c), 481.116(f), 481.1161(c),  
20 481.117(f), 481.118(f), 481.119(c), 481.121(c), 481.125(g),  
21 483.041(e), or 485.031(c); or

22            (4) at any time during the 18-month period preceding  
23 the date of the commission of the instant offense, the actor  
24 requested emergency medical assistance in response to the possible  
25 overdose of the actor or another person.

26            (i) The defense to prosecution provided by Subsection (g)  
27 does not preclude the admission of evidence obtained by law

1 enforcement resulting from the request for emergency medical  
2 assistance if that evidence pertains to an offense for which the  
3 defense described by Subsection (g) is not available.

4 SECTION 3. Section 481.1151, Health and Safety Code, is  
5 amended by adding Subsections (c), (d), and (e) to read as follows:

6 (c) It is a defense to prosecution for an offense punishable  
7 under Subsection (b)(1) that the actor:

8 (1) was the first person to request emergency medical  
9 assistance in response to the possible overdose of another person  
10 and:

11 (A) made the request for medical assistance  
12 during an ongoing medical emergency;

13 (B) remained on the scene until the medical  
14 assistance arrived; and

15 (C) cooperated with medical assistance and law  
16 enforcement personnel; or

17 (2) was the victim of a possible overdose for which  
18 emergency medical assistance was requested, by the actor or by  
19 another person, during an ongoing medical emergency.

20 (d) The defense to prosecution provided by Subsection (c) is  
21 not available if:

22 (1) at the time the request for emergency medical  
23 assistance was made:

24 (A) a peace officer was in the process of  
25 arresting the actor or executing a search warrant describing the  
26 actor or the place from which the request for medical assistance was  
27 made; or

1           (B) the actor is committing another offense,  
2 other than an offense punishable under Section 481.115(b),  
3 481.116(b), 481.1161(b)(1) or (2), 481.117(b), 481.118(b), or  
4 481.121(b)(1) or (2), or an offense under Section 481.119(b),  
5 481.125(a), 483.041(a), or 485.031(a);

6           (2) the actor has been previously convicted of or  
7 placed on deferred adjudication community supervision for an  
8 offense under this chapter or Chapter 483 or 485;

9           (3) the actor was acquitted in a previous proceeding  
10 in which the actor successfully established the defense under that  
11 subsection or Section 481.115(g), 481.116(f), 481.1161(c),  
12 481.117(f), 481.118(f), 481.119(c), 481.121(c), 481.125(g),  
13 483.041(e), or 485.031(c); or

14           (4) at any time during the 18-month period preceding  
15 the date of the commission of the instant offense, the actor  
16 requested emergency medical assistance in response to the possible  
17 overdose of the actor or another person.

18           (e) The defense to prosecution provided by Subsection (c)  
19 does not preclude the admission of evidence obtained by law  
20 enforcement resulting from the request for emergency medical  
21 assistance if that evidence pertains to an offense for which the  
22 defense described by Subsection (c) is not available.

23           SECTION 4. Section 481.116, Health and Safety Code, is  
24 amended by adding Subsections (f), (g), and (h) to read as follows:

25           (f) It is a defense to prosecution for an offense punishable  
26 under Subsection (b) that the actor:

27           (1) was the first person to request emergency medical

1 assistance in response to the possible overdose of another person  
2 and:

3 (A) made the request for medical assistance  
4 during an ongoing medical emergency;

5 (B) remained on the scene until the medical  
6 assistance arrived; and

7 (C) cooperated with medical assistance and law  
8 enforcement personnel; or

9 (2) was the victim of a possible overdose for which  
10 emergency medical assistance was requested, by the actor or by  
11 another person, during an ongoing medical emergency.

12 (g) The defense to prosecution provided by Subsection (f) is  
13 not available if:

14 (1) at the time the request for emergency medical  
15 assistance was made:

16 (A) a peace officer was in the process of  
17 arresting the actor or executing a search warrant describing the  
18 actor or the place from which the request for medical assistance was  
19 made; or

20 (B) the actor is committing another offense,  
21 other than an offense punishable under Section [481.115\(b\)](#),  
22 [481.1151\(b\)\(1\)](#), [481.1161\(b\)\(1\)](#) or (2), [481.117\(b\)](#), [481.118\(b\)](#), or  
23 [481.121\(b\)\(1\)](#) or (2), or an offense under Section [481.119\(b\)](#),  
24 [481.125\(a\)](#), [483.041\(a\)](#), or [485.031\(a\)](#);

25 (2) the actor has been previously convicted of or  
26 placed on deferred adjudication community supervision for an  
27 offense under this chapter or Chapter [483](#) or [485](#);

1           (3) the actor was acquitted in a previous proceeding  
2 in which the actor successfully established the defense under that  
3 subsection or Section 481.115(g), 481.1151(c), 481.1161(c),  
4 481.117(f), 481.118(f), 481.119(c), 481.121(c), 481.125(g),  
5 483.041(e), or 485.031(c); or

6           (4) at any time during the 18-month period preceding  
7 the date of the commission of the instant offense, the actor  
8 requested emergency medical assistance in response to the possible  
9 overdose of the actor or another person.

10          (h) The defense to prosecution provided by Subsection (f)  
11 does not preclude the admission of evidence obtained by law  
12 enforcement resulting from the request for emergency medical  
13 assistance if that evidence pertains to an offense for which the  
14 defense described by Subsection (f) is not available.

15          SECTION 5. Section 481.1161, Health and Safety Code, is  
16 amended by adding Subsections (c), (d), and (e) to read as follows:

17          (c) It is a defense to prosecution for an offense punishable  
18 under Subsection (b)(1) or (2) that the actor:

19               (1) was the first person to request emergency medical  
20 assistance in response to the possible overdose of another person  
21 and:

22                       (A) made the request for medical assistance  
23 during an ongoing medical emergency;

24                       (B) remained on the scene until the medical  
25 assistance arrived; and

26                       (C) cooperated with medical assistance and law  
27 enforcement personnel; or

1           (2) was the victim of a possible overdose for which  
2 emergency medical assistance was requested, by the actor or by  
3 another person, during an ongoing medical emergency.

4           (d) The defense to prosecution provided by Subsection (c) is  
5 not available if:

6           (1) at the time the request for emergency medical  
7 assistance was made:

8           (A) a peace officer was in the process of  
9 arresting the actor or executing a search warrant describing the  
10 actor or the place from which the request for medical assistance was  
11 made; or

12           (B) the actor is committing another offense,  
13 other than an offense punishable under Section 481.115(b),  
14 481.1151(b)(1), 481.116(b), 481.117(b), 481.118(b), or  
15 481.121(b)(1) or (2), or an offense under Section 481.119(b),  
16 481.125(a), 483.041(a), or 485.031(a);

17           (2) the actor has been previously convicted of or  
18 placed on deferred adjudication community supervision for an  
19 offense under this chapter or Chapter 483 or 485;

20           (3) the actor was acquitted in a previous proceeding  
21 in which the actor successfully established the defense under that  
22 subsection or Section 481.115(g), 481.1151(c), 481.116(f),  
23 481.117(f), 481.118(f), 481.119(c), 481.121(c), 481.125(g),  
24 483.041(e), or 485.031(c); or

25           (4) at any time during the 18-month period preceding  
26 the date of the commission of the instant offense, the actor  
27 requested emergency medical assistance in response to the possible

1 overdose of the actor or another person.

2 (e) The defense to prosecution provided by Subsection (c)  
3 does not preclude the admission of evidence obtained by law  
4 enforcement resulting from the request for emergency medical  
5 assistance if that evidence pertains to an offense for which the  
6 defense described by Subsection (c) is not available.

7 SECTION 6. Section 481.117, Health and Safety Code, is  
8 amended by adding Subsections (f), (g), and (h) to read as follows:

9 (f) It is a defense to prosecution for an offense punishable  
10 under Subsection (b) that the actor:

11 (1) was the first person to request emergency medical  
12 assistance in response to the possible overdose of another person  
13 and:

14 (A) made the request for medical assistance  
15 during an ongoing medical emergency;

16 (B) remained on the scene until the medical  
17 assistance arrived; and

18 (C) cooperated with medical assistance and law  
19 enforcement personnel; or

20 (2) was the victim of a possible overdose for which  
21 emergency medical assistance was requested, by the actor or by  
22 another person, during an ongoing medical emergency.

23 (g) The defense to prosecution provided by Subsection (f) is  
24 not available if:

25 (1) at the time the request for emergency medical  
26 assistance was made:

27 (A) a peace officer was in the process of



1 arresting the actor or executing a search warrant describing the  
2 actor or the place from which the request for medical assistance was  
3 made; or

4 (B) the actor is committing another offense,  
5 other than an offense punishable under Section 481.115(b),  
6 481.1151(b)(1), 481.116(b), 481.1161(b)(1) or (2), 481.118(b), or  
7 481.121(b)(1) or (2), or an offense under Section 481.119(b),  
8 481.125(a), 483.041(a), or 485.031(a);

9 (2) the actor has been previously convicted of or  
10 placed on deferred adjudication community supervision for an  
11 offense under this chapter or Chapter 483 or 485;

12 (3) the actor was acquitted in a previous proceeding  
13 in which the actor successfully established the defense under that  
14 subsection or Section 481.115(g), 481.1151(c), 481.116(f),  
15 481.1161(c), 481.118(f), 481.119(c), 481.121(c), 481.125(g),  
16 483.041(e), or 485.031(c); or

17 (4) at any time during the 18-month period preceding  
18 the date of the commission of the instant offense, the actor  
19 requested emergency medical assistance in response to the possible  
20 overdose of the actor or another person.

21 (h) The defense to prosecution provided by Subsection (f)  
22 does not preclude the admission of evidence obtained by law  
23 enforcement resulting from the request for emergency medical  
24 assistance if that evidence pertains to an offense for which the  
25 defense described by Subsection (f) is not available.

26 SECTION 7. Section 481.118, Health and Safety Code, is  
27 amended by adding Subsections (f), (g), and (h) to read as follows:

1       (f) It is a defense to prosecution for an offense punishable  
2 under Subsection (b) that the actor:

3           (1) was the first person to request emergency medical  
4 assistance in response to the possible overdose of another person  
5 and:

6                   (A) made the request for medical assistance  
7 during an ongoing medical emergency;

8                   (B) remained on the scene until the medical  
9 assistance arrived; and

10                   (C) cooperated with medical assistance and law  
11 enforcement personnel; or

12           (2) was the victim of a possible overdose for which  
13 emergency medical assistance was requested, by the actor or by  
14 another person, during an ongoing medical emergency.

15       (g) The defense to prosecution provided by Subsection (f) is  
16 not available if:

17           (1) at the time the request for emergency medical  
18 assistance was made:

19                   (A) a peace officer was in the process of  
20 arresting the actor or executing a search warrant describing the  
21 actor or the place from which the request for medical assistance was  
22 made; or

23                   (B) the actor is committing another offense,  
24 other than an offense punishable under Section [481.115\(b\)](#),  
25 [481.1151\(b\)\(1\)](#), [481.116\(b\)](#), [481.1161\(b\)\(1\)](#) or (2), [481.117\(b\)](#), or  
26 [481.121\(b\)\(1\)](#) or (2), or an offense under Section [481.119\(b\)](#),  
27 [481.125\(a\)](#), [483.041\(a\)](#), or [485.031\(a\)](#);

1           (2) the actor has been previously convicted of or  
2 placed on deferred adjudication community supervision for an  
3 offense under this chapter or Chapter 483 or 485;

4           (3) the actor was acquitted in a previous proceeding  
5 in which the actor successfully established the defense under that  
6 subsection or Section 481.115(g), 481.1151(c), 481.116(f),  
7 481.1161(c), 481.117(f), 481.119(c), 481.121(c), 481.125(g),  
8 483.041(e), or 485.031(c); or

9           (4) at any time during the 18-month period preceding  
10 the date of the commission of the instant offense, the actor  
11 requested emergency medical assistance in response to the possible  
12 overdose of the actor or another person.

13           (h) The defense to prosecution provided by Subsection (f)  
14 does not preclude the admission of evidence obtained by law  
15 enforcement resulting from the request for emergency medical  
16 assistance if that evidence pertains to an offense for which the  
17 defense described by Subsection (f) is not available.

18           SECTION 8. Section 481.119, Health and Safety Code, is  
19 amended by adding Subsections (c), (d), and (e) to read as follows:

20           (c) It is a defense to prosecution for an offense under  
21 Subsection (b) that the actor:

22           (1) was the first person to request emergency medical  
23 assistance in response to the possible overdose of another person  
24 and:

25           (A) made the request for medical assistance  
26 during an ongoing medical emergency;

27           (B) remained on the scene until the medical

1 assistance arrived; and

2 (C) cooperated with medical assistance and law  
3 enforcement personnel; or

4 (2) was the victim of a possible overdose for which  
5 emergency medical assistance was requested, by the actor or by  
6 another person, during an ongoing medical emergency.

7 (d) The defense to prosecution provided by Subsection (c) is  
8 not available if:

9 (1) at the time the request for emergency medical  
10 assistance was made:

11 (A) a peace officer was in the process of  
12 arresting the actor or executing a search warrant describing the  
13 actor or the place from which the request for medical assistance was  
14 made; or

15 (B) the actor is committing another offense,  
16 other than an offense punishable under Section 481.115(b),  
17 481.1151(b)(1), 481.116(b), 481.1161(b)(1) or (2), 481.117(b),  
18 481.118(b), or 481.121(b)(1) or (2), or an offense under Section  
19 481.125(a), 483.041(a), or 485.031(a);

20 (2) the actor has been previously convicted of or  
21 placed on deferred adjudication community supervision for an  
22 offense under this chapter or Chapter 483 or 485;

23 (3) the actor was acquitted in a previous proceeding  
24 in which the actor successfully established the defense under that  
25 subsection or Section 481.115(g), 481.1151(c), 481.116(f),  
26 481.1161(c), 481.117(f), 481.118(f), 481.121(c), 481.125(g),  
27 483.041(e), or 485.031(c); or

1           (4) at any time during the 18-month period preceding  
2 the date of the commission of the instant offense, the actor  
3 requested emergency medical assistance in response to the possible  
4 overdose of the actor or another person.

5           (e) The defense to prosecution provided by Subsection (c)  
6 does not preclude the admission of evidence obtained by law  
7 enforcement resulting from the request for emergency medical  
8 assistance if that evidence pertains to an offense for which the  
9 defense described by Subsection (c) is not available.

10           SECTION 9. Section 481.121, Health and Safety Code, is  
11 amended by adding Subsections (c), (d), and (e) to read as follows:

12           (c) It is a defense to prosecution for an offense punishable  
13 under Subsection (b)(1) or (2) that the actor:

14           (1) was the first person to request emergency medical  
15 assistance in response to the possible overdose of another person  
16 and:

17                   (A) made the request for medical assistance  
18 during an ongoing medical emergency;

19                   (B) remained on the scene until the medical  
20 assistance arrived; and

21                   (C) cooperated with medical assistance and law  
22 enforcement personnel; or

23           (2) was the victim of a possible overdose for which  
24 emergency medical assistance was requested, by the actor or by  
25 another person, during an ongoing medical emergency.

26           (d) The defense to prosecution provided by Subsection (c) is  
27 not available if:

1           (1) at the time the request for emergency medical  
2 assistance was made:

3           (A) a peace officer was in the process of  
4 arresting the actor or executing a search warrant describing the  
5 actor or the place from which the request for medical assistance was  
6 made; or

7           (B) the actor is committing another offense,  
8 other than an offense punishable under Section 481.115(b),  
9 481.1151(b)(1), 481.116(b), 481.1161(b)(1) or (2), 481.117(b), or  
10 481.118(b), or an offense under Section 481.119(b), 481.125(a),  
11 483.041(a), or 485.031(a);

12           (2) the actor has been previously convicted of or  
13 placed on deferred adjudication community supervision for an  
14 offense under this chapter or Chapter 483 or 485;

15           (3) the actor was acquitted in a previous proceeding  
16 in which the actor successfully established the defense under that  
17 subsection or Section 481.115(g), 481.1151(c), 481.116(f),  
18 481.1161(c), 481.117(f), 481.118(f), 481.119(c), 481.125(g),  
19 483.041(e), or 485.031(c); or

20           (4) at any time during the 18-month period preceding  
21 the date of the commission of the instant offense, the actor  
22 requested emergency medical assistance in response to the possible  
23 overdose of the actor or another person.

24           (e) The defense to prosecution provided by Subsection (c)  
25 does not preclude the admission of evidence obtained by law  
26 enforcement resulting from the request for emergency medical  
27 assistance if that evidence pertains to an offense for which the

1 defense described by Subsection (c) is not available.

2 SECTION 10. Section 481.125, Health and Safety Code, is  
3 amended by adding Subsections (g), (h), and (i) to read as follows:

4 (g) It is a defense to prosecution for an offense under  
5 Subsection (a) that the actor:

6 (1) was the first person to request emergency medical  
7 assistance in response to the possible overdose of another person  
8 and:

9 (A) made the request for medical assistance  
10 during an ongoing medical emergency;

11 (B) remained on the scene until the medical  
12 assistance arrived; and

13 (C) cooperated with medical assistance and law  
14 enforcement personnel; or

15 (2) was the victim of a possible overdose for which  
16 emergency medical assistance was requested, by the actor or by  
17 another person, during an ongoing medical emergency.

18 (h) The defense to prosecution provided by Subsection (g) is  
19 not available if:

20 (1) at the time the request for emergency medical  
21 assistance was made:

22 (A) a peace officer was in the process of  
23 arresting the actor or executing a search warrant describing the  
24 actor or the place from which the request for medical assistance was  
25 made; or

26 (B) the actor is committing another offense,  
27 other than an offense punishable under Section 481.115(b),

1 481.1151(b)(1), 481.116(b), 481.1161(b)(1) or (2), 481.117(b),  
2 481.118(b), or 481.121(b)(1) or (2), or an offense under Section  
3 481.119(b), 483.041(a), or 485.031(a);

4 (2) the actor has been previously convicted of or  
5 placed on deferred adjudication community supervision for an  
6 offense under this chapter or Chapter 483 or 485;

7 (3) the actor was acquitted in a previous proceeding  
8 in which the actor successfully established the defense under that  
9 subsection or Section 481.115(g), 481.1151(c), 481.116(f),  
10 481.1161(c), 481.117(f), 481.118(f), 481.119(c), 481.121(c),  
11 483.041(e), or 485.031(c); or

12 (4) at any time during the 18-month period preceding  
13 the date of the commission of the instant offense, the actor  
14 requested emergency medical assistance in response to the possible  
15 overdose of the actor or another person.

16 (i) The defense to prosecution provided by Subsection (g)  
17 does not preclude the admission of evidence obtained by law  
18 enforcement resulting from the request for emergency medical  
19 assistance if that evidence pertains to an offense for which the  
20 defense described by Subsection (g) is not available.

21 SECTION 11. Section 483.041, Health and Safety Code, is  
22 amended by adding Subsections (e), (f), and (g) to read as follows:

23 (e) It is a defense to prosecution for an offense under  
24 Subsection (a) that the actor:

25 (1) was the first person to request emergency medical  
26 assistance in response to the possible overdose of another person  
27 and:



1           (A) made the request for medical assistance  
2 during an ongoing medical emergency;

3           (B) remained on the scene until the medical  
4 assistance arrived; and

5           (C) cooperated with medical assistance and law  
6 enforcement personnel; or

7           (2) was the victim of a possible overdose for which  
8 emergency medical assistance was requested, by the actor or by  
9 another person, during an ongoing medical emergency.

10          (f) The defense to prosecution provided by Subsection (e) is  
11 not available if:

12           (1) at the time the request for emergency medical  
13 assistance was made:

14           (A) a peace officer was in the process of  
15 arresting the actor or executing a search warrant describing the  
16 actor or the place from which the request for medical assistance was  
17 made; or

18           (B) the actor is committing another offense,  
19 other than an offense punishable under Section [481.115\(b\)](#),  
20 [481.1151\(b\)\(1\)](#), [481.116\(b\)](#), [481.1161\(b\)\(1\)](#) or (2), [481.117\(b\)](#),  
21 [481.118\(b\)](#), or [481.121\(b\)\(1\)](#) or (2), or an offense under Section  
22 [481.119\(b\)](#), [481.125\(a\)](#), or [485.031\(a\)](#);

23           (2) the actor has been previously convicted of or  
24 placed on deferred adjudication community supervision for an  
25 offense under this chapter or Chapter [481](#) or [485](#);

26           (3) the actor was acquitted in a previous proceeding  
27 in which the actor successfully established the defense under that

1 subsection or Section 481.115(g), 481.1151(c), 481.116(f),  
2 481.1161(c), 481.117(f), 481.118(f), 481.119(c), 481.121(c),  
3 481.125(g), or 485.031(c); or

4 (4) at any time during the 18-month period preceding  
5 the date of the commission of the instant offense, the actor  
6 requested emergency medical assistance in response to the possible  
7 overdose of the actor or another person.

8 (g) The defense to prosecution provided by Subsection (e)  
9 does not preclude the admission of evidence obtained by law  
10 enforcement resulting from the request for emergency medical  
11 assistance if that evidence pertains to an offense for which the  
12 defense described by Subsection (e) is not available.

13 SECTION 12. Section 485.031, Health and Safety Code, is  
14 amended by adding Subsections (c), (d), and (e) to read as follows:

15 (c) It is a defense to prosecution for an offense under  
16 Subsection (a) that the actor:

17 (1) was the first person to request emergency medical  
18 assistance in response to the possible overdose of another person  
19 and:

20 (A) made the request for medical assistance  
21 during an ongoing medical emergency;

22 (B) remained on the scene until the medical  
23 assistance arrived; and

24 (C) cooperated with medical assistance and law  
25 enforcement personnel; or

26 (2) was the victim of a possible overdose for which  
27 emergency medical assistance was requested, by the actor or by

1 another person, during an ongoing medical emergency.

2 (d) The defense to prosecution provided by Subsection (c) is  
3 not available if:

4 (1) at the time the request for emergency medical  
5 assistance was made:

6 (A) a peace officer was in the process of  
7 arresting the actor or executing a search warrant describing the  
8 actor or the place from which the request for medical assistance was  
9 made; or

10 (B) the actor is committing another offense,  
11 other than an offense punishable under Section 481.115(b),  
12 481.1151(b)(1), 481.116(b), 481.1161(b)(1) or (2), 481.117(b),  
13 481.118(b), or 481.121(b)(1) or (2), or an offense under Section  
14 481.119(b), 481.125(a), or 483.041(a);

15 (2) the actor has been previously convicted of or  
16 placed on deferred adjudication community supervision for an  
17 offense under this chapter or Chapter 481 or 483;

18 (3) the actor was acquitted in a previous proceeding  
19 in which the actor successfully established the defense under that  
20 subsection or Section 481.115(g), 481.1151(c), 481.116(f),  
21 481.1161(c), 481.117(f), 481.118(f), 481.119(c), 481.121(c),  
22 481.125(g), or 483.041(e); or

23 (4) at any time during the 18-month period preceding  
24 the date of the commission of the instant offense, the actor  
25 requested emergency medical assistance in response to the possible  
26 overdose of the actor or another person.

27 (e) The defense to prosecution provided by Subsection (c)

1 does not preclude the admission of evidence obtained by law  
2 enforcement resulting from the request for emergency medical  
3 assistance if that evidence pertains to an offense for which the  
4 defense described by Subsection (c) is not available.

5         SECTION 13. The change in law made by this Act applies only  
6 to an offense committed on or after the effective date of this Act.  
7 An offense committed before the effective date of this Act is  
8 governed by the law in effect on the date the offense was committed,  
9 and the former law is continued in effect for that purpose. For  
10 purposes of this section, an offense was committed before the  
11 effective date of this Act if any element of the offense occurred  
12 before that date.

13         SECTION 14. This Act takes effect September 1, 2021.