

By: Lujan

H.B. No. 3540

A BILL TO BE ENTITLED

AN ACT

relating to overdose mapping by a local health authority or a law enforcement agency for public safety purposes.

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

SECTION 1. Chapter 370, Local Government Code, is amended by adding Section 370.007 to read as follows:

Sec. 370.007. PARTICIPATION AGREEMENT FOR OVERDOSE MAPPING. (a) In this section:

(1) "Controlled substance" has the meaning assigned by Section 481.002, Health and Safety Code.

(2) "Opioid antagonist" has the meaning assigned by Section 483.101, Health and Safety Code.

(3) "Social media platform" has the meaning assigned by Section 120.001, Business & Commerce Code.

(b) A local health authority or a law enforcement agency located in a county with a population of more than two million may enter into a participation agreement with an entity that maintains a computerized system for mapping overdoses for public safety purposes.

(c) A local health authority or law enforcement agency that has entered into a participation agreement under Subsection (b) shall:

(1) solicit and accept information regarding overdoses occurring in the county; and

1 (2) provide information described by Subdivision (1)
2 to the entity with which the authority or agency has a participation
3 agreement under Subsection (b) for purposes of entering the
4 information into the computerized system.

5 (d) A local health authority or a law enforcement agency may
6 accept information described by Subsection (c)(1) from any credible
7 source, including from a social media platform.

8 (e) The following information regarding an overdose
9 incident, if known, must be entered into the computerized system:

10 (1) the date and time of the overdose incident;

11 (2) the GPS coordinates or approximate location of the
12 overdose incident;

13 (3) the suspected controlled substance involved in the
14 overdose incident;

15 (4) whether an opioid antagonist was administered and,
16 if so, the number of doses and type of delivery;

17 (5) whether the person who overdosed was transported
18 to the hospital;

19 (6) whether the overdose involved the operation of a
20 motor vehicle;

21 (7) whether multiple persons were involved in the
22 overdose incident;

23 (8) the sex and approximate age of each person
24 receiving treatment for an overdose; and

25 (9) whether the overdose was fatal or nonfatal.

26 (f) A person who provides information about an overdose
27 incident to a local health authority or law enforcement agency in

1 good faith under this section is not subject to civil or criminal
2 liability for providing the information.

3 (g) A law enforcement agency may use information provided or
4 received under this section only for mapping overdose locations for
5 public safety purposes.

6 (h) Information provided for purposes of overdose mapping
7 under this section is confidential and not subject to disclosure
8 under Chapter 552, Government Code.

9 (i) Section 181.154, Health and Safety Code, does not apply
10 to information provided, received, or used under this section.

11 SECTION 2. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2023.