

By: Huffman

S.B. No. 1319

A BILL TO BE ENTITLED

AN ACT

relating to the reporting of certain overdose information and the mapping of overdoses for public safety purposes.

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

SECTION 1. Section 161.042, Health and Safety Code, is amended by amending Subsections (a) and (b) and adding Subsection (b-1) to read as follows:

(a) A physician who attends or treats, or who is requested to attend or treat, an overdose of a controlled substance listed in a penalty group under Subchapter D, Chapter 481 [~~Penalty Group 1 under Section 481.102 or a controlled substance listed in Penalty Group 1-B under Section 481.1022~~], or the administrator, superintendent, or other person in charge of a hospital, sanitorium, or other institution in which an overdose of a controlled substance listed in a penalty group under Subchapter D, Chapter 481, [~~Penalty Group 1 under Section 481.102 or a controlled substance listed in Penalty Group 1-B under Section 481.1022~~] is attended or treated or in which the attention or treatment is requested, shall report the case at once to:

(1) the department; and

(2) the law enforcement authority of the municipality or county in which the physician practices or in which the hospital, sanitorium, or other institution is located.

(b) A physician or other person who reports an overdose of a

1 controlled substance under this section shall include in the report  
2 information regarding:

3 (1) the date and time of the overdose;

4 (2) the approximate location of the overdose, using:

5 (A) an address;

6 (B) the latitude and longitude of the location;

7 or

8 (C) the location data from a cellular device;

9 (3) [ ] the type of controlled substance or substances  
10 suspected to have been used;

11 (4) [ ] the sex and approximate age of the person  
12 attended or treated for the overdose or for whom treatment was  
13 sought;

14 (5) [ ] the symptoms associated with the overdose;

15 (6) [ ] the extent of treatment made necessary by the  
16 overdose;

17 (7) whether an opioid antagonist, as defined by  
18 Section 483.101, was administered; [ ] and

19 (8) the patient outcome.

20 (b-1) The physician or other person making the report  
21 described by Subsection (b) may provide other demographic  
22 information concerning the person attended or treated or for whom  
23 treatment was sought but may not disclose the person's name [~~or~~  
24 address] or any other information concerning the person's identity.  
25 The physician or other person making the report may not disclose the  
26 person's address unless the person's address is the approximate  
27 location of the overdose.

1 SECTION 2. Subchapter E, Chapter 161, Health and Safety  
2 Code, is amended by adding Section 161.045 to read as follows:

3 Sec. 161.045. USE OF CONTROLLED SUBSTANCE INFORMATION BY  
4 LAW ENFORCEMENT. (a) A law enforcement authority may use  
5 information received from a report under Section 161.042 only for  
6 mapping overdose locations for public safety purposes.

7 (b) Information described by Subsection (a) is confidential  
8 and not subject to disclosure under Chapter 552, Government Code.

9 SECTION 3. The heading to Chapter 370, Local Government  
10 Code, is amended to read as follows:

11 CHAPTER 370. MISCELLANEOUS PROVISIONS RELATING TO [~~MUNICIPAL AND~~  
12 ~~COUNTY~~] HEALTH AND PUBLIC SAFETY

13 SECTION 4. Chapter 370, Local Government Code, is amended  
14 by adding Section 370.007 to read as follows:

15 Sec. 370.007. PARTICIPATION AGREEMENT FOR OVERDOSE  
16 MAPPING. A political subdivision of the state may enter into a  
17 participation agreement with a private entity that maintains a  
18 computerized system for mapping overdoses for public safety  
19 purposes.

20 SECTION 5. Subchapter E, Chapter 161, Health and Safety  
21 Code, as amended by this Act, applies only to a report made in  
22 response to an overdose that occurs on or after January 1, 2024.

23 SECTION 6. This Act takes effect September 1, 2023.