

By: Wentworth

S.B. No. 1593

A BILL TO BE ENTITLED

AN ACT

relating to the admissibility of certain evidence obtained solely as the direct result of a request for emergency medical services for an overdose.

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

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

SUBCHAPTER E-1. EMERGENCY MEDICAL SERVICES FOR ALCOHOL OR CONTROLLED SUBSTANCE OVERDOSE

Sec. 161.051. DEFINITIONS. In this chapter:

(1) "Controlled substance" and "drug" have the meanings assigned by Section 481.002, Health and Safety Code.

(2) "Dangerous drug" has the meaning assigned by Section 483.001, Health and Safety Code.

(3) "Emergency medical services" means services used to respond to an individual's perceived need for immediate medical care and to prevent death or aggravation of physiological or psychological illness or injury.

(4) "Intoxicated" has the meaning assigned by Section 49.01, Penal Code.

Sec. 161.052. ADMISSIBILITY OF EVIDENCE OBTAINED AS RESULT OF CERTAIN REQUESTS FOR EMERGENCY MEDICAL SERVICES. Evidence obtained solely as the direct result of a request made in good faith for emergency medical services in response to a person's possible

1 overdose of alcohol or of a controlled substance, drug, dangerous  
2 drug, or other substance may not be admitted as evidence or  
3 otherwise disclosed in any civil, criminal, or administrative  
4 proceeding to show that a person:

5           (1) possessed or consumed alcohol;

6           (2) possessed or consumed a controlled substance,  
7 drug, dangerous drug, or other substance; or

8           (3) was intoxicated.

9           SECTION 2. The change in law made by this Act applies to  
10 evidence obtained as the direct result of a request for emergency  
11 medical services made on or after the effective date of this Act.  
12 Evidence obtained as the direct result of a request for emergency  
13 medical services made before the effective date of this Act is  
14 covered by the law as it existed at the time the request was made,  
15 and the former law is continued in effect for that purpose.

16           SECTION 3. This Act takes effect September 1, 2011.