

By: Guillen

H.B. No. 225

Substitute the following for H.B. No. 225:

By: Herrero

C.S.H.B. No. 225

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the prescription, administration, and possession of
3 certain opioid antagonists for the treatment of a suspected
4 overdose and a defense to prosecution for certain offenses
5 involving controlled substances and other prohibited drugs,
6 substances, or paraphernalia for defendants seeking assistance for
7 a suspected overdose.

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

9 SECTION 1. Section 481.115, Health and Safety Code, is
10 amended by adding Subsection (g) 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) requested emergency medical assistance in
14 response to the possible overdose of the actor or another person;

15 (2) was the first person to make a request for medical
16 assistance under Subdivision (1); and

17 (3) if the actor requested emergency medical
18 assistance in response to the possible overdose of another person:

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

21 (B) cooperated with medical assistance and law
22 enforcement personnel.

23 SECTION 2. Section 481.1151, Health and Safety Code, is
24 amended by adding Subsection (c) to read as follows:

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

3 (1) requested emergency medical assistance in
4 response to the possible overdose of the actor or another person;

5 (2) was the first person to make a request for medical
6 assistance under Subdivision (1); and

7 (3) if the actor requested emergency medical
8 assistance in response to the possible overdose of another person:

9 (A) remained on the scene until the medical
10 assistance arrived; and

11 (B) cooperated with medical assistance and law
12 enforcement personnel.

13 SECTION 3. Section [481.116](#), Health and Safety Code, is
14 amended by adding Subsection (f) to read as follows:

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

17 (1) requested emergency medical assistance in
18 response to the possible overdose of the actor or another person;

19 (2) was the first person to make a request for medical
20 assistance under Subdivision (1); and

21 (3) if the actor requested emergency medical
22 assistance in response to the possible overdose of another person:

23 (A) remained on the scene until the medical
24 assistance arrived; and

25 (B) cooperated with medical assistance and law
26 enforcement personnel.

27 SECTION 4. Section [481.1161](#), Health and Safety Code, is

1 amended by adding Subsection (c) to read as follows:

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

4 (1) requested emergency medical assistance in
5 response to the possible overdose of the actor or another person;

6 (2) was the first person to make a request for medical
7 assistance under Subdivision (1); and

8 (3) if the actor requested emergency medical
9 assistance in response to the possible overdose of another person:

10 (A) remained on the scene until the medical
11 assistance arrived; and

12 (B) cooperated with medical assistance and law
13 enforcement personnel.

14 SECTION 5. Section 481.117, Health and Safety Code, is
15 amended by adding Subsection (f) to read as follows:

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

18 (1) requested emergency medical assistance in
19 response to the possible overdose of the actor or another person;

20 (2) was the first person to make a request for medical
21 assistance under Subdivision (1); and

22 (3) if the actor requested emergency medical
23 assistance in response to the possible overdose of another person:

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

26 (B) cooperated with medical assistance and law
27 enforcement personnel.

1 SECTION 6. Section 481.118, Health and Safety Code, is
2 amended by adding Subsection (f) to read as follows:

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

5 (1) requested emergency medical assistance in
6 response to the possible overdose of the actor or another person;

7 (2) was the first person to make a request for medical
8 assistance under Subdivision (1); and

9 (3) if the actor requested emergency medical
10 assistance in response to the possible overdose of another person:

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

13 (B) cooperated with medical assistance and law
14 enforcement personnel.

15 SECTION 7. Section 481.119, Health and Safety Code, is
16 amended by adding Subsection (c) to read as follows:

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

19 (1) requested emergency medical assistance in
20 response to the possible overdose of the actor or another person;

21 (2) was the first person to make a request for medical
22 assistance under Subdivision (1); and

23 (3) if the actor requested emergency medical
24 assistance in response to the possible overdose of another person:

25 (A) remained on the scene until the medical
26 assistance arrived; and

27 (B) cooperated with medical assistance and law

1 enforcement personnel.

2 SECTION 8. Section 481.121, Health and Safety Code, is
3 amended by adding Subsection (c) to read as follows:

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

6 (1) requested emergency medical assistance in
7 response to the possible overdose of the actor or another person;

8 (2) was the first person to make a request for medical
9 assistance under Subdivision (1); and

10 (3) if the actor requested emergency medical
11 assistance in response to the possible overdose of another person:

12 (A) remained on the scene until the medical
13 assistance arrived; and

14 (B) cooperated with medical assistance and law
15 enforcement personnel.

16 SECTION 9. Section 481.125, Health and Safety Code, is
17 amended by adding Subsection (g) to read as follows:

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

20 (1) requested emergency medical assistance in
21 response to the possible overdose of the actor or another person;

22 (2) was the first person to make a request for medical
23 assistance under Subdivision (1); and

24 (3) if the actor requested emergency medical
25 assistance in response to the possible overdose of another person:

26 (A) remained on the scene until the medical
27 assistance arrived; and

1 (B) cooperated with medical assistance and law
2 enforcement personnel.

3 SECTION 10. Section 483.041, Health and Safety Code, is
4 amended by adding Subsection (e) to read as follows:

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

7 (1) requested emergency medical assistance in
8 response to the possible overdose of the actor or another person;

9 (2) was the first person to make a request for medical
10 assistance under Subdivision (1); and

11 (3) if the actor requested emergency medical
12 assistance in response to the possible overdose of another person:

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

15 (B) cooperated with medical assistance and law
16 enforcement personnel.

17 SECTION 11. Section 485.031, Health and Safety Code, is
18 amended by adding Subsection (c) to read as follows:

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

21 (1) requested emergency medical assistance in
22 response to the possible overdose of the actor or another person;

23 (2) was the first person to make a request for medical
24 assistance under Subdivision (1); and

25 (3) if the actor requested emergency medical
26 assistance in response to the possible overdose of another person:

27 (A) remained on the scene until the medical

1 assistance arrived; and

2 (B) cooperated with medical assistance and law
3 enforcement personnel.

4 SECTION 12. Chapter 483, Health and Safety Code, is amended
5 by adding Subchapter E to read as follows:

6 SUBCHAPTER E. OPIOID ANTAGONISTS

7 Sec. 483.101. DEFINITIONS. In this subchapter:

8 (1) "Emergency services personnel" includes
9 firefighters, police officers and other peace officers, emergency
10 medical services personnel as defined by Section 773.003, emergency
11 room personnel, and other individuals who, in the course and scope
12 of employment or as a volunteer, provide services for the benefit of
13 the general public during emergency situations.

14 (2) "Health care professional" means a person
15 authorized by law to prescribe an opioid antagonist.

16 (3) "Opioid antagonist" means any drug that binds to
17 opioid receptors and blocks or disinhibits the effects of opioids
18 acting on those receptors.

19 (4) "Opioid-related drug overdose" means a condition,
20 evidenced by symptoms such as extreme physical illness, decreased
21 level of consciousness, respiratory depression, or coma, that a
22 layperson would reasonably believe to be the result of the
23 consumption or use of an opioid.

24 Sec. 483.102. PRESCRIPTION OF OPIOID ANTAGONIST; STANDING
25 ORDER. (a) A health care professional may, directly or by standing
26 order, prescribe, dispense, or distribute an opioid antagonist to:

27 (1) a person at risk of experiencing an opioid-related

1 drug overdose; or

2 (2) a family member, friend, or other person in a
3 position to assist a person described by Subdivision (1).

4 (b) A prescription issued under this section is considered
5 as issued for a legitimate medical purpose in the usual course of
6 professional practice.

7 (c) A health care professional who, acting with reasonable
8 care, prescribes or dispenses an opioid antagonist is not subject
9 to any criminal or civil liability or any professional disciplinary
10 action for:

11 (1) prescribing or dispensing the opioid antagonist;
12 or

13 (2) any outcome resulting from the eventual
14 administration of the opioid antagonist.

15 Sec. 483.103. DISTRIBUTION OF OPIOID ANTAGONIST; STANDING
16 ORDER. A person or organization acting under a standing order
17 issued by a health care professional may store an opioid antagonist
18 and may dispense an opioid antagonist, provided the person or
19 organization does not request or receive compensation for storage
20 or dispensation.

21 Sec. 483.104. POSSESSION OF OPIOID ANTAGONIST. Any person
22 may possess an opioid antagonist, regardless of whether the person
23 holds a prescription for the opioid antagonist.

24 Sec. 483.105. DUTY OF PHARMACISTS. A pharmacist that
25 provides an opioid antagonist to a person shall offer counseling to
26 the person about:

27 (1) overdose recognition and prevention; and

1 (2) the administration of opioid antagonists, patient
2 responses, and potential side effects.

3 Sec. 483.106. ADMINISTRATION OF OPIOID ANTAGONIST. (a) A
4 person who, acting with reasonable care, administers an opioid
5 antagonist to another person whom the person believes is suffering
6 an opioid-related drug overdose is not subject to criminal
7 prosecution, sanction under any professional licensing statute, or
8 civil liability, for an act or omission resulting from the
9 administration of the opioid antagonist.

10 (b) Emergency services personnel are authorized to
11 administer an opioid antagonist to a person who appears to be
12 suffering an opioid-related drug overdose, as clinically
13 indicated.

14 Sec. 483.107. OPIOID ANTAGONIST TRAINING. A person, state
15 agency, or political subdivision of the state that provides opioid
16 antagonists to emergency services personnel for use in the regular
17 course of providing emergency services shall provide those
18 personnel with a course of instruction about:

- 19 (1) overdose recognition and prevention; and
20 (2) the administration of opioid antagonists, patient
21 responses, and potential side effects.

22 Sec. 483.108. GRANTS. The Health and Human Services
23 Commission and the criminal justice division of the governor's
24 office may issue grants for:

- 25 (1) drug overdose prevention;
26 (2) recognition and response education for
27 individuals, family members, and emergency services personnel; and

1 (3) opioid antagonist prescription or distribution
2 projects.

3 Sec. 483.109. CONFLICT OF LAW. To the extent of a conflict
4 between this subchapter and another law, this subchapter controls.

5 SECTION 13. (a) The change in law made by this Act relating
6 to conduct that is grounds for imposition of a disciplinary
7 sanction applies only to conduct that occurs on or after September
8 1, 2015.

9 (b) Conduct that occurs before September 1, 2015, is
10 governed by the law in effect on the date the conduct occurred, and
11 the former law is continued in effect for that purpose.

12 SECTION 14. (a) The change in law made by this Act relating
13 to conduct that is the basis for civil liability applies only to
14 conduct that occurs on or after September 1, 2015.

15 (b) Conduct that occurs before September 1, 2015, is
16 governed by the law in effect on the date the conduct occurred, and
17 the former law is continued in effect for that purpose.

18 SECTION 15. (a) The change in law made by this Act relating
19 to conduct that constitutes a criminal offense applies only to an
20 offense committed on or after September 1, 2015.

21 (b) For purposes of this section, an offense is committed
22 before September 1, 2015, if any element of the offense occurs
23 before that date.

24 (c) An offense committed before September 1, 2015, is
25 governed by the law in effect on the date the offense was committed,
26 and the former law is continued in effect for that purpose.

27 SECTION 16. This Act takes effect September 1, 2015.