

By: Johnson

H.B. No. 1098

A BILL TO BE ENTITLED

AN ACT

relating to the prescription, administration, and possession of certain opioid antagonists for the treatment of suspected opioid overdoses.

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

SECTION 1. Chapter 483, Health and Safety Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. OPIOID ANTAGONISTS

Sec. 483.101. DEFINITIONS. In this subchapter:

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

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

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

(4) "Opioid-related drug overdose" means a condition, evidenced by symptoms such as extreme physical illness, decreased level of consciousness, respiratory depression, or coma, that a layperson would reasonably believe to be the result of the

1 consumption or use of an opioid.

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

5 (1) a person at risk of experiencing an opioid-related
6 drug overdose; or

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

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

12 (c) A health care professional who, acting in good faith and
13 with reasonable care, prescribes or dispenses an opioid antagonist
14 is not subject to any criminal or civil liability or any
15 professional disciplinary action for:

16 (1) prescribing or dispensing the opioid antagonist;
17 or

18 (2) any outcome resulting from the eventual
19 administration of the opioid antagonist.

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

26 Sec. 483.104. POSSESSION OF OPIOID ANTAGONIST. Any person
27 may possess an opioid antagonist, regardless of whether the person

1 holds a prescription for the opioid antagonist.

2 Sec. 483.105. ADMINISTRATION OF OPIOID ANTAGONIST. (a) A
3 person who, acting in good faith and with reasonable care,
4 administers an opioid antagonist to another person whom the person
5 believes is suffering an opioid-related drug overdose is not
6 subject to criminal prosecution, sanction under any professional
7 licensing statute, or civil liability, for an act or omission
8 resulting from the administration of the opioid antagonist.

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

13 Sec. 483.106. CONFLICT OF LAW. To the extent of a conflict
14 between this subchapter and another law, this subchapter controls.

15 SECTION 2. (a) The change in law made by this Act relating
16 to conduct that is grounds for imposition of a disciplinary
17 sanction applies to:

18 (1) conduct that occurs before September 1, 2015, for
19 which a sanction is imposed on or after that date; or

20 (2) conduct that occurs on or after September 1, 2015.

21 (b) Conduct that occurs before September 1, 2015, to which
22 Subsection (a)(1) of this section does not apply is governed by the
23 law in effect on the date the conduct occurred, and the former law
24 is continued in effect for that purpose.

25 SECTION 3. (a) The change in law made by this Act relating
26 to conduct that is the basis for civil liability applies to:

27 (1) conduct that occurs before September 1, 2015, for

1 which judgment is entered on or after that date; or

2 (2) conduct that occurs on or after September 1, 2015.

3 (b) Conduct that occurs before September 1, 2015, to which
4 Subsection (a)(1) of this section does not apply is governed by the
5 law in effect on the date the conduct occurred, and the former law
6 is continued in effect for that purpose.

7 SECTION 4. (a) The change in law made by this Act relating
8 to conduct that constitutes a criminal offense applies to:

9 (1) an offense committed before September 1, 2015, for
10 which judgment is entered on or after that date; or

11 (2) an offense committed on or after September 1,
12 2015.

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

16 (c) An offense committed before September 1, 2015, to which
17 Subsection (a)(1) of this section does not apply is governed by the
18 law in effect on the date the offense was committed, and the former
19 law is continued in effect for that purpose.

20 SECTION 5. This Act takes effect September 1, 2015.