

By: Johnson

H.B. No. 1099

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the prosecution of certain offenses involving the
3 delivery or possession of controlled substances and other
4 prohibited drugs, substances, or paraphernalia.

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

6 SECTION 1. Section 481.112, Health and Safety Code, is
7 amended by adding Subsection (g) to read as follows:

8 (g) It is an exception to the application of an offense
9 punishable under Subsection (b), other than an offense committed by
10 manufacturing a controlled substance, that the actor:

11 (1) requested emergency medical assistance in
12 response to the possible controlled substance overdose of another
13 person;

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

16 (3) remained on the scene until the medical assistance
17 arrived; and

18 (4) cooperated with medical assistance and law
19 enforcement personnel.

20 SECTION 2. Section 481.1121, Health and Safety Code, is
21 amended by adding Subsection (c) to read as follows:

22 (c) It is an exception to the application of an offense
23 punishable under Subsection (b)(1), other than an offense committed
24 by manufacturing a controlled substance, that the actor:

1 (1) requested emergency medical assistance in
2 response to the possible controlled substance overdose of another
3 person;

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

6 (3) remained on the scene until the medical assistance
7 arrived; and

8 (4) cooperated with medical assistance and law
9 enforcement personnel.

10 SECTION 3. Section 481.113, Health and Safety Code, is
11 amended by adding Subsection (f) to read as follows:

12 (f) It is an exception to the application of an offense
13 punishable under Subsection (b), other than an offense committed by
14 manufacturing a controlled substance, that the actor:

15 (1) requested emergency medical assistance in
16 response to the possible controlled substance overdose of another
17 person;

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

20 (3) remained on the scene until the medical assistance
21 arrived; and

22 (4) cooperated with medical assistance and law
23 enforcement personnel.

24 SECTION 4. Section 481.114, Health and Safety Code, is
25 amended by adding Subsection (f) to read as follows:

26 (f) It is an exception to the application of an offense
27 punishable under Subsection (b), other than an offense committed by

1 manufacturing a controlled substance, that the actor:

2 (1) requested emergency medical assistance in
3 response to the possible controlled substance overdose of another
4 person;

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

7 (3) remained on the scene until the medical assistance
8 arrived; and

9 (4) cooperated with medical assistance and law
10 enforcement personnel.

11 SECTION 5. Section 481.115, Health and Safety Code, is
12 amended by adding Subsection (g) to read as follows:

13 (g) It is an exception to the application of an offense
14 punishable under Subsection (b) that the actor:

15 (1) requested emergency medical assistance in
16 response to the possible controlled substance overdose of another
17 person;

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

20 (3) remained on the scene until the medical assistance
21 arrived; and

22 (4) cooperated with medical assistance and law
23 enforcement personnel.

24 SECTION 6. Section 481.1151, Health and Safety Code, is
25 amended by adding Subsection (c) to read as follows:

26 (c) It is an exception to the application of an offense
27 punishable under Subsection (b)(1) that the actor:

1 (1) requested emergency medical assistance in
2 response to the possible controlled substance overdose of another
3 person;

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

6 (3) remained on the scene until the medical assistance
7 arrived; and

8 (4) cooperated with medical assistance and law
9 enforcement personnel.

10 SECTION 7. Section 481.116, Health and Safety Code, is
11 amended by adding Subsection (f) to read as follows:

12 (f) It is an exception to the application of an offense
13 punishable under Subsection (b) that the actor:

14 (1) requested emergency medical assistance in
15 response to the possible controlled substance overdose of another
16 person;

17 (2) was the first person to make a request for medical
18 assistance under Subdivision (1);

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

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

23 SECTION 8. Section 481.1161, Health and Safety Code, is
24 amended by adding Subsection (c) to read as follows:

25 (c) It is an exception to the application of an offense
26 punishable under Subsection (b)(1) or (2) that the actor:

27 (1) requested emergency medical assistance in

1 response to the possible controlled substance overdose of another
2 person;

3 (2) was the first person to make a request for medical
4 assistance under Subdivision (1);

5 (3) remained on the scene until the medical assistance
6 arrived; and

7 (4) cooperated with medical assistance and law
8 enforcement personnel.

9 SECTION 9. Section 481.117, Health and Safety Code, is
10 amended by adding Subsection (f) to read as follows:

11 (f) It is an exception to the application of an offense
12 punishable under Subsection (b) that the actor:

13 (1) requested emergency medical assistance in
14 response to the possible controlled substance overdose of another
15 person;

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

18 (3) remained on the scene until the medical assistance
19 arrived; and

20 (4) cooperated with medical assistance and law
21 enforcement personnel.

22 SECTION 10. Section 481.118, Health and Safety Code, is
23 amended by adding Subsection (f) to read as follows:

24 (f) It is an exception to the application of an offense
25 punishable under Subsection (b) that the actor:

26 (1) requested emergency medical assistance in
27 response to the possible controlled substance overdose of another

1 person;

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

4 (3) remained on the scene until the medical assistance
5 arrived; and

6 (4) cooperated with medical assistance and law
7 enforcement personnel.

8 SECTION 11. Section 481.119, Health and Safety Code, is
9 amended by adding Subsection (c) to read as follows:

10 (c) It is an exception to the application of an offense
11 under Subsection (a) or (b), other than an offense committed by
12 manufacturing a controlled substance, that the actor:

13 (1) requested emergency medical assistance in
14 response to the possible controlled substance overdose of another
15 person;

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

18 (3) remained on the scene until the medical assistance
19 arrived; and

20 (4) cooperated with medical assistance and law
21 enforcement personnel.

22 SECTION 12. Section 481.120, Health and Safety Code, is
23 amended by adding Subsection (c) to read as follows:

24 (c) It is an exception to the application of an offense
25 punishable under Subsection (b)(1) or (2) that the actor:

26 (1) requested emergency medical assistance in
27 response to the possible controlled substance overdose of another

1 person;

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

4 (3) remained on the scene until the medical assistance
5 arrived; and

6 (4) cooperated with medical assistance and law
7 enforcement personnel.

8 SECTION 13. Section 481.121, Health and Safety Code, is
9 amended by adding Subsection (c) to read as follows:

10 (c) It is an exception to the application of an offense
11 punishable under Subsection (b)(1) or (2) that the actor:

12 (1) requested emergency medical assistance in
13 response to the possible controlled substance overdose of another
14 person;

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

17 (3) remained on the scene until the medical assistance
18 arrived; and

19 (4) cooperated with medical assistance and law
20 enforcement personnel.

21 SECTION 14. Section 481.122, Health and Safety Code, is
22 amended by adding Subsection (c-1) to read as follows:

23 (c-1) It is an exception to the application of this section
24 that the actor:

25 (1) requested emergency medical assistance in
26 response to the possible controlled substance overdose of another
27 person;

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

3 (3) remained on the scene until the medical assistance
4 arrived; and

5 (4) cooperated with medical assistance and law
6 enforcement personnel.

7 SECTION 15. Section 481.125, Health and Safety Code, is
8 amended by adding Subsection (g) to read as follows:

9 (g) It is an exception to the application of Subsection (a)
10 or an offense under Subsection (b), other than an offense committed
11 by manufacturing drug paraphernalia, that the actor:

12 (1) requested emergency medical assistance in
13 response to the possible controlled substance overdose of another
14 person;

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

17 (3) remained on the scene until the medical assistance
18 arrived; and

19 (4) cooperated with medical assistance and law
20 enforcement personnel.

21 SECTION 16. Section 483.041, Health and Safety Code, is
22 amended by adding Subsection (e) to read as follows:

23 (e) It is an exception to the application of Subsection (a)
24 that the actor:

25 (1) requested emergency medical assistance in
26 response to the possible dangerous drug overdose of another person;

27 (2) was the first person to make a request for medical

1 assistance under Subdivision (1);

2 (3) remained on the scene until the medical assistance
3 arrived; and

4 (4) cooperated with medical assistance and law
5 enforcement personnel.

6 SECTION 17. Section 483.042, Health and Safety Code, is
7 amended by adding Subsection (g) to read as follows:

8 (g) It is an exception to the application of this section
9 that the actor:

10 (1) requested emergency medical assistance in
11 response to the possible dangerous drug overdose of another person;

12 (2) was the first person to make a request for medical
13 assistance under Subdivision (1);

14 (3) remained on the scene until the medical assistance
15 arrived; and

16 (4) cooperated with medical assistance and law
17 enforcement personnel.

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

20 (c) It is an exception to the application of this section
21 that the actor:

22 (1) requested emergency medical assistance in
23 response to the possible abusable volatile chemical overdose of
24 another person;

25 (2) was the first person to make a request for medical
26 assistance under Subdivision (1);

27 (3) remained on the scene until the medical assistance

1 arrived; and

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

4 SECTION 19. Section 485.032, Health and Safety Code, is
5 amended by adding Subsection (c-1) to read as follows:

6 (c-1) It is an exception to the application of this section
7 that the actor:

8 (1) requested emergency medical assistance in
9 response to the possible abusable volatile chemical overdose of
10 another person;

11 (2) was the first person to make a request for medical
12 assistance under Subdivision (1);

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

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

17 SECTION 20. Section 485.033, Health and Safety Code, is
18 amended by adding Subsection (d) to read as follows:

19 (d) It is an exception to the application of Subsection (a)
20 or an offense under Subsection (b), other than an offense committed
21 by manufacturing inhalant paraphernalia, that the actor:

22 (1) requested emergency medical assistance in
23 response to the possible abusable volatile chemical overdose of
24 another person;

25 (2) was the first person to make a request for medical
26 assistance under Subdivision (1);

27 (3) remained on the scene until the medical assistance

1 arrived; and

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

4 SECTION 21. The change in law made by this Act applies only
5 to an offense committed on or after the effective date of this Act.
6 An offense committed before the effective date of this Act is
7 governed by the law in effect on the date the offense was committed,
8 and the former law is continued in effect for that purpose. For
9 purposes of this section, an offense was committed before the
10 effective date of this Act if any element of the offense occurred
11 before that date.

12 SECTION 22. This Act takes effect September 1, 2015.