

By: Alvarado

H.B. No. 2149

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, training about opioid antagonists and drug overdoses, and grants for related programs.

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

1 layperson would reasonably believe to be the result of the  
2 consumption or use of an opioid.

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

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

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

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

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

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

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

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

27 Sec. 483.104. POSSESSION OF OPIOID ANTAGONIST. Any person

1 may possess an opioid antagonist, regardless of whether the person  
2 holds a prescription for the opioid antagonist.

3 Sec. 483.105. DUTY OF PHARMACISTS. A pharmacist that  
4 provides an opioid antagonist to a person shall offer counseling to  
5 the person about:

6 (1) overdose recognition and prevention; and  
7 (2) the administration of opioid antagonists, patient  
8 responses, and potential side effects.

9 Sec. 483.106. ADMINISTRATION OF OPIOID ANTAGONIST. (a) A  
10 person who, acting in good faith and with reasonable care,  
11 administers an opioid antagonist to another person whom the person  
12 believes is suffering an opioid-related drug overdose is not  
13 subject to criminal prosecution, sanction under any professional  
14 licensing statute, or civil liability, for an act or omission  
15 resulting from the administration of the opioid antagonist.

16 (b) Emergency services personnel are authorized to  
17 administer an opioid antagonist to a person who appears to be  
18 suffering an opioid-related drug overdose, as clinically  
19 indicated.

20 Sec. 483.107. OPIOID ANTAGONIST TRAINING. A person, state  
21 agency, or political subdivision of the state that provides opioid  
22 antagonists to emergency services personnel for use in the regular  
23 course of providing emergency services shall provide those  
24 personnel with a course of instruction about:

25 (1) overdose recognition and prevention; and  
26 (2) the administration of opioid antagonists, patient  
27 responses, and potential side effects.

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

- 4               (1) drug overdose prevention;  
5               (2) recognition and response education for  
6 individuals, family members, and emergency services personnel; and  
7               (3) opioid antagonist prescription or distribution  
8 projects.

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

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

- 14               (1) conduct that occurs before September 1, 2015, for  
15 which a sanction is imposed on or after that date; or  
16               (2) conduct that occurs on or after September 1, 2015.

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

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

- 23               (1) conduct that occurs before September 1, 2015, for  
24 which judgment is entered on or after that date; or  
25               (2) conduct that occurs on or after September 1, 2015.

26       (b) Conduct that occurs before September 1, 2015, to which  
27 Subsection (a)(1) of this section does not apply is governed by the

1 law in effect on the date the conduct occurred, and the former law  
2 is continued in effect for that purpose.

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

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

7 (2) an offense committed on or after September 1,  
8 2015.

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

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

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