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, 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) "Opioid antagonist" means any drug that binds to

opioid receptors and blocks or otherwise inhibits the effects of

opioids acting on those receptors.

(3) "Opioid-related drug overdose" means a condition,

evidenced by symptoms such as extreme physical illness, decreased

level of consciousness, constriction of the pupils, respiratory
depression, or coma, that a layperson would reasonably believe to

be the result of the consumption or use of an opioid.

(4) "Prescriber" means a person authorized by law to
prescribe an opioid antagonist.

Sec. 483.102. PRESCRIPTION OF OPIOID ANTAGONIST; STANDING ORDER. (a) A prescriber may, directly or by standing order, prescribe an opioid antagonist to:

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

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

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

(c) A prescriber who, acting in good faith with reasonable care, prescribes or does not prescribe an opioid antagonist is not subject to any criminal or civil liability or any professional disciplinary action for:

(1) prescribing or failing to prescribe the opioid antagonist; or

(2) if the prescriber chooses to prescribe an opioid antagonist, any outcome resulting from the eventual administration of the opioid antagonist.

Sec. 483.103. DISPENSING OF OPIOID ANTAGONIST. (a) A pharmacist may dispense an opioid antagonist under a valid prescription to:

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

(2) a family member, friend, or other person in a position to assist a person described by Subdivision (1).
(b) A prescription filled under this section is considered as filled for a legitimate medical purpose in the usual course of professional practice.

(c) A pharmacist who, acting in good faith and with reasonable care, dispenses or does not dispense an opioid antagonist under a valid prescription is not subject to any criminal or civil liability or any professional disciplinary action for:

1. dispensing or failing to dispense the opioid antagonist; or
2. if the pharmacist chooses to dispense an opioid antagonist, any outcome resulting from the eventual administration of the opioid antagonist.

Sec. 483.104. DISTRIBUTION OF OPIOID ANTAGONIST; STANDING ORDER. A person or organization acting under a standing order issued by a prescriber may store an opioid antagonist and may distribute an opioid antagonist, provided the person or organization does not request or receive compensation for storage or distribution.

Sec. 483.105. POSSESSION OF OPIOID ANTAGONIST. Any person may possess an opioid antagonist, regardless of whether the person holds a prescription for the opioid antagonist.

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

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

Sec. 483.107. CONFLICT OF LAW. To the extent of a conflict
between this subchapter and another law, this subchapter controls.

SECTION 2. The change in law made by this Act relating to
conduct that is grounds for imposition of a disciplinary sanction
applies only to conduct that occurs on or after September 1, 2015.
Conduct that occurs before September 1, 2015, is governed by the law
in effect on the date the conduct occurred, and the former law is
continued in effect for that purpose.

SECTION 3. The change in law made by this Act relating to
conduct that is the basis for civil liability applies only to
conduct that occurs on or after September 1, 2015. Conduct that
occurs before September 1, 2015, is governed by the law in effect on
the date the conduct occurred, and the former law is continued in
effect for that purpose.

SECTION 4. The change in law made by this Act relating to
conduct that constitutes a criminal offense applies only to an
offense committed on or after September 1, 2015. For purposes of
this section, an offense is committed before September 1, 2015, if
any element of the offense occurs before that date. An offense
committed before September 1, 2015, is governed by the law in effect
on the date the offense was committed, and the former law is
continued in effect for that purpose.

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

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1462 passed the Senate on
April 22, 2015, by the following vote: Yeas 30, Nays 0; and that
the Senate concurred in House amendment on May 29, 2015, by the
following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1462 passed the House, with
amendment, on May 26, 2015, by the following vote: Yeas 146,
Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor