

By: West
(Johnson, Alvarado)

S.B. No. 1462

Substitute the following for S.B. No. 1462:

By: Crownover

C.S.S.B. No. 1462

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, 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

1 prescribe an opioid antagonist.

2 Sec. 483.102. PRESCRIPTION OF OPIOID ANTAGONIST; STANDING
3 ORDER. (a) A prescriber may, directly or by standing order,
4 prescribe 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 prescriber who, acting in good faith with reasonable
13 care, prescribes or does not prescribe an opioid antagonist is not
14 subject to any criminal or civil liability or any professional
15 disciplinary action for:

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

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

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

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

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

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

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

9 (1) dispensing or failing to dispense the opioid
10 antagonist; or

11 (2) if the pharmacist chooses to dispense an opioid
12 antagonist, any outcome resulting from the eventual administration
13 of the opioid antagonist.

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

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

23 Sec. 483.106. ADMINISTRATION OF OPIOID ANTAGONIST. (a) A
24 person who, acting in good faith and with reasonable care,
25 administers or does not administer an opioid antagonist to another
26 person whom the person believes is suffering an opioid-related drug
27 overdose is not subject to criminal prosecution, sanction under any

1 professional licensing statute, or civil liability, for an act or
2 omission resulting from the administration of or failure to
3 administer the opioid antagonist.

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

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

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

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

22 SECTION 4. The change in law made by this Act relating to
23 conduct that constitutes a criminal offense applies only to an
24 offense committed on or after September 1, 2015. For purposes of
25 this section, an offense is committed before September 1, 2015, if
26 any element of the offense occurs before that date. An offense
27 committed before September 1, 2015, is governed by the law in effect

C.S.S.B. No. 1462

1 on the date the offense was committed, and the former law is
2 continued in effect for that purpose.

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