

1-1 By: West S.B. No. 1462  
 1-2 (In the Senate - Filed March 12, 2015; March 19, 2015, read  
 1-3 first time and referred to Committee on Health and Human Services;  
 1-4 April 16, 2015, reported adversely, with favorable Committee  
 1-5 Substitute by the following vote: Yeas 9, Nays 0; April 16, 2015,  
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1462 By: Kolthorst

1-19 A BILL TO BE ENTITLED  
 1-20 AN ACT

1-21 relating to the prescription, administration, and possession of  
 1-22 certain opioid antagonists for the treatment of suspected opioid  
 1-23 overdoses.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Chapter 483, Health and Safety Code, is amended  
 1-26 by adding Subchapter E to read as follows:

1-27 SUBCHAPTER E. OPIOID ANTAGONISTS

1-28 Sec. 483.101. DEFINITIONS. In this subchapter:

1-29 (1) "Emergency services personnel" includes  
 1-30 firefighters, emergency medical services personnel as defined by  
 1-31 Section 773.003, emergency room personnel, and other individuals  
 1-32 who, in the course and scope of employment or as a volunteer,  
 1-33 provide services for the benefit of the general public during  
 1-34 emergency situations.

1-35 (2) "Opioid antagonist" means any drug that binds to  
 1-36 opioid receptors and blocks or otherwise inhibits the effects of  
 1-37 opioids acting on those receptors.

1-38 (3) "Opioid-related drug overdose" means a condition,  
 1-39 evidenced by symptoms such as extreme physical illness, decreased  
 1-40 level of consciousness, respiratory depression, or coma, that a  
 1-41 layperson would reasonably believe to be the result of the  
 1-42 consumption or use of an opioid.

1-43 (4) "Prescriber" means a person authorized by law to  
 1-44 prescribe an opioid antagonist.

1-45 Sec. 483.102. PRESCRIPTION OF OPIOID ANTAGONIST; STANDING  
 1-46 ORDER. (a) A prescriber may, directly or by standing order,  
 1-47 prescribe an opioid antagonist to:

1-48 (1) a person at risk of experiencing an opioid-related  
 1-49 drug overdose; or

1-50 (2) a family member, friend, or other person in a  
 1-51 position to assist a person described by Subdivision (1).

1-52 (b) A prescription issued under this section is considered  
 1-53 as issued for a legitimate medical purpose in the usual course of  
 1-54 professional practice.

1-55 (c) A prescriber who, acting in good faith with reasonable  
 1-56 care, prescribes or does not prescribe an opioid antagonist is not  
 1-57 subject to any criminal or civil liability or any professional  
 1-58 disciplinary action for:

1-59 (1) prescribing or failing to prescribe the opioid  
 1-60 antagonist; or

2-1 (2) if the prescriber chooses to prescribe an opioid  
2-2 antagonist, any outcome resulting from the eventual administration  
2-3 of the opioid antagonist.

2-4 Sec. 483.103. DISPENSING OF OPIOID ANTAGONIST. (a) A  
2-5 pharmacist may dispense an opioid antagonist under a valid  
2-6 prescription to:

2-7 (1) a person at risk of experiencing an opioid-related  
2-8 drug overdose; or

2-9 (2) a family member, friend, or other person in a  
2-10 position to assist a person described by Subdivision (1).

2-11 (b) A prescription filled under this section is considered  
2-12 as filled for a legitimate medical purpose in the usual course of  
2-13 professional practice.

2-14 (c) A pharmacist who, acting in good faith and with  
2-15 reasonable care, dispenses or does not dispense an opioid  
2-16 antagonist under a valid prescription is not subject to any  
2-17 criminal or civil liability or any professional disciplinary action  
2-18 for:

2-19 (1) dispensing or failing to dispense the opioid  
2-20 antagonist; or

2-21 (2) if the pharmacist chooses to dispense an opioid  
2-22 antagonist, any outcome resulting from the eventual administration  
2-23 of the opioid antagonist.

2-24 Sec. 483.104. DISTRIBUTION OF OPIOID ANTAGONIST; STANDING  
2-25 ORDER. A person or organization acting under a standing order  
2-26 issued by a prescriber may store an opioid antagonist and may  
2-27 distribute an opioid antagonist, provided the person or  
2-28 organization does not request or receive compensation for storage  
2-29 or distribution.

2-30 Sec. 483.105. POSSESSION OF OPIOID ANTAGONIST. Any person  
2-31 may possess an opioid antagonist, regardless of whether the person  
2-32 holds a prescription for the opioid antagonist.

2-33 Sec. 483.106. ADMINISTRATION OF OPIOID ANTAGONIST. (a) A  
2-34 person who, acting in good faith and with reasonable care,  
2-35 administers or does not administer an opioid antagonist to another  
2-36 person whom the person believes is suffering an opioid-related drug  
2-37 overdose is not subject to criminal prosecution, sanction under any  
2-38 professional licensing statute, or civil liability, for an act or  
2-39 omission resulting from the administration of or failure to  
2-40 administer the opioid antagonist.

2-41 (b) Emergency services personnel are authorized to  
2-42 administer an opioid antagonist to a person who appears to be  
2-43 suffering an opioid-related drug overdose, as clinically  
2-44 indicated.

2-45 Sec. 483.107. CONFLICT OF LAW. To the extent of a conflict  
2-46 between this subchapter and another law, this subchapter controls.

2-47 SECTION 2. The change in law made by this Act relating to  
2-48 conduct that is grounds for imposition of a disciplinary sanction  
2-49 applies only to conduct that occurs on or after September 1, 2015.  
2-50 Conduct that occurs before September 1, 2015, is governed by the law  
2-51 in effect on the date the conduct occurred, and the former law is  
2-52 continued in effect for that purpose.

2-53 SECTION 3. The change in law made by this Act relating to  
2-54 conduct that is the basis for civil liability applies only to  
2-55 conduct that occurs on or after September 1, 2015. Conduct that  
2-56 occurs before September 1, 2015, is governed by the law in effect on  
2-57 the date the conduct occurred, and the former law is continued in  
2-58 effect for that purpose.

2-59 SECTION 4. The change in law made by this Act relating to  
2-60 conduct that constitutes a criminal offense applies only to an  
2-61 offense committed on or after September 1, 2015. For purposes of  
2-62 this section, an offense is committed before September 1, 2015, if  
2-63 any element of the offense occurs before that date. An offense  
2-64 committed before September 1, 2015, is governed by the law in effect  
2-65 on the date the offense was committed, and the former law is  
2-66 continued in effect for that purpose.

2-67 SECTION 5. This Act takes effect September 1, 2015.