

BILL ANALYSIS

C.S.H.B. 3189
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Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties point to studies indicating an increase in prescription drug abuse across the country. The parties note that judges often require certain defendants or patients to complete a treatment program for prescription drug abuse and assert that information concerning these defendants would be useful information for a health care provider or pharmacist to have in making informed decisions about a patient's treatment. C.S.H.B. 3189 seeks to address these issues by expanding the information required to be reported to the Texas State Board of Pharmacy for the purpose of monitoring prescription drug usage.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3189 amends the Code of Criminal Procedure to require a judge who requires as a condition of community supervision that a defendant serve a term of confinement and treatment in a substance abuse felony punishment facility or participate in substance abuse treatment services in a program or facility approved or licensed by the Department of State Health Services to receive treatment for prescription drug substance abuse to submit to the Texas State Board of Pharmacy the name and date of birth of the defendant and the name of the substance or substances abused by the defendant.

C.S.H.B. 3189 amends the Government Code to require a judge who requires a defendant to receive treatment for prescription drug substance abuse as a condition of participation in a specialty court to submit to the board the name and date of birth of the defendant and the name of the substance or substances abused by the defendant.

C.S.H.B. 3189 amends the Health and Safety Code to require a judge who enters a civil order for court-ordered treatment for prescription drug substance abuse to submit to the board the name and date of birth of the patient and the name of the substance or substances abused by the patient. The bill extends to information submitted under the bill's provisions the board's duties regarding access to prescription history information and the method used to transmit that information to the board.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3189 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

| INTRODUCED | HOUSE COMMITTEE SUBSTITUTE |
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| SECTION 1. Subchapter G, Chapter 42A, Code of Criminal Procedure, is amended. | SECTION 1. Same as introduced version. |
| SECTION 2. Chapter 121, Government Code, is amended. | SECTION 2. Same as introduced version. |
| SECTION 3. Subchapter D, Chapter 462, Health and Safety Code, is amended. | SECTION 3. Same as introduced version. |
| SECTION 4. Sections 481.076(a), (a-3), (a-4), (c), (i), and (j), Health and Safety Code, are amended. | SECTION 4. Same as introduced version. |
| SECTION 5. Section 481.0761(a), Health and Safety Code, is amended. | SECTION 5. Same as introduced version. |
| SECTION 6. Subchapter C, Chapter 481, Health and Safety Code, is amended by adding Section 481.0762 to read as follows: <u>Sec. 481.0762. DUTIES OF PRESCRIBERS. A person authorized to receive information under Section 481.076(a)(5), before prescribing a controlled substance to a patient, shall access that information with respect to the patient.</u> | No equivalent provision. |
| SECTION 7. Section 481.127(a), Health and Safety Code, is amended. | SECTION 6. Same as introduced version. |
| SECTION 8. (a) Article 42A.3035, Code of Criminal Procedure, as added by this Act, applies to a defendant placed on community supervision on or after the effective date of this Act, regardless of whether the offense for which the defendant was placed on | SECTION 7. (a) Article 42A.3035, Code of Criminal Procedure, as added by this Act, applies to a defendant placed on community supervision on or after the effective date of this Act, regardless of whether the offense for which the defendant was placed on |

community supervision was committed before, on, or after the effective date of this Act.

(b) Section 121.003, Government Code, as added by this Act, applies to a person who, on or after the effective date of this Act, enters a specialty court program under Subtitle K, Title 2, Government Code, regardless of whether the person committed the offense for which the person enters the program before, on, or after the effective date of this Act.

(c) Section 462.0691, Health and Safety Code, as added by this Act, applies only to an order for court-ordered treatment entered on or after the effective date of this Act. An order entered before the effective date of this Act is governed by the law in effect on the date the order was entered, and the former law is continued in effect for that purpose.

(d) Section 481.0762, Health and Safety Code, as added by this Act, applies only to a prescription issued on or after the effective date of this Act. A prescription issued before the effective date of this Act is governed by the law in effect on the date the prescription is issued, and the former law is continued in effect for that purpose.

SECTION 9. This Act takes effect September 1, 2017.

community supervision was committed before, on, or after the effective date of this Act.

(b) Section 121.003, Government Code, as added by this Act, applies to a person who, on or after the effective date of this Act, enters a specialty court program under Subtitle K, Title 2, Government Code, regardless of whether the person committed the offense for which the person enters the program before, on, or after the effective date of this Act.

(c) Section 462.0691, Health and Safety Code, as added by this Act, applies only to an order for court-ordered treatment entered on or after the effective date of this Act. An order entered before the effective date of this Act is governed by the law in effect on the date the order was entered, and the former law is continued in effect for that purpose.

SECTION 8. Same as introduced version.