

**BILL ANALYSIS**

C.S.H.B. 3428  
By: Collier  
County Affairs  
Committee Report (Substituted)

**BACKGROUND AND PURPOSE**

According to interested parties, given that a number of people entering county jail may be taking a prescription medication, there is a need to ensure that such a person continues to receive the prescription medication. C.S.H.B. 3428 seeks to address this need by requiring the Commission on Jail Standards to adopt certain rules and procedures regarding the continuity of prescription medications.

**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 rulemaking authority is expressly granted to the Commission on Jail Standards in SECTION 1 of this bill.

**ANALYSIS**

C.S.H.B. 3428 amends the Government Code to require the Commission on Jail Standards, not later than January 1, 2018, to adopt reasonable rules and procedures establishing minimum standards regarding the continuity of prescription medications for the care and treatment of prisoners. The bill requires the rules and procedures to require that a prisoner who is determined to be lawfully taking a prescription medication when the prisoner enters the county jail be maintained on that same prescription medication or an equivalent generic drug until a qualified health care professional directs otherwise on individualized consideration.

**EFFECTIVE DATE**

September 1, 2017.

**COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 3428 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**

SECTION 1. Chapter 511, Government Code, is amended by adding Section 511.009(a)(21) to read as follows:

**HOUSE COMMITTEE SUBSTITUTE**

SECTION 1. Section 511.009, Government Code, is amended by adding Subsection (d) to read as follows:

85R 27250

17.118.659

Substitute Document Number: 85R 26389

(21) The commission shall adopt reasonable rules and procedures establishing minimum standards regarding the continuity of prescription medications for the care and treatment of inmates and prisoners in county jails. The rules and procedures shall require that inmates and prisoners who are determined to be lawfully taking a prescription medication when they enter the county jail be maintained on that same prescription medication until a qualified health care professional directs otherwise upon individualized consideration.

No equivalent provision.

SECTION 2. This Act takes effect September 1, 2017.

(d) The commission shall adopt reasonable rules and procedures establishing minimum standards regarding the continuity of prescription medications for the care and treatment of prisoners. The rules and procedures shall require that a prisoner who is determined to be lawfully taking a prescription medication when the prisoner enters the county jail be maintained on that same prescription medication or an equivalent generic drug until a qualified health care professional directs otherwise on individualized consideration.

SECTION 2. Not later than January 1, 2018, the Commission on Jail Standards shall adopt the rules and procedures required by Section 511.009(d), Government Code, as added by this Act.

SECTION 3. Same as introduced version.