

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 340
By: Huffman
Criminal Justice
4/18/2019
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

During the interim, Senator Huffman's office received information that a law enforcement agency was making a large purchase of naloxone (an opioid antagonist, or anti-overdose drug). Anecdotally, we understood that evidence technicians/forensic analysts did not want to test unknown substances, thought to be narcotics, due to fear that inadvertent contact with that substance might result in an opioid overdose. Therefore, for this particular law enforcement agency, the purchase of naloxone was necessary to conduct business. At this time, there might be some state grants available, but none specifically for the purchase of opioid antagonists.

S.B. 340

- Senate Bill 340 creates a grant program in the Criminal Justice Division in the Office of the Governor.
- The grant program will provide financial assistance to law enforcement agencies to purchase opioid antagonists (naloxone) for peace officers, evidence technicians, and related personnel to address an opioid overdose.
- The agency must develop a policy on the use of the antagonist prior to application.
- Further, the law enforcement agency must provide information about how often the agency comes into contact with opioid-related drug overdoses—this information can be invaluable in tracking the extent of the opioid epidemic's effect on Texas

C.S.S.B. 340

The Committee Substitute adds the fiscal responsibility amendment:

- "The [agency/department] is required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the [agency/department] may, but is not required to, implement a provision of this Act using other appropriations available for that purpose."

C.S.S.B. 340 amends current law relating to the creation of a grant program to assist law enforcement agencies with the purchase of opioid antagonists.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 772, Government Code, by adding Section 772.0078, as follows:

Sec. 772.0078. OPIOID ANTAGONIST GRANT PROGRAM. (a) Defines "criminal justice division," "opioid antagonist," and "opioid-related drug overdose."

(b) Requires the criminal justice division in the Office of the Governor (criminal justice division) to establish and administer a grant program to provide financial assistance to a law enforcement agency in this state that seeks to provide opioid antagonists to peace officers, evidence technicians, and related personnel who, in the course of performing their duties, are likely to come into contact with opioids or encounter persons suffering from an apparent opioid-related drug overdose.

(c) Authorizes a law enforcement agency to apply for a grant under this section only if the agency first adopts a policy addressing the usage of an opioid antagonist for a person suffering from an apparent opioid-related drug overdose.

(d) Requires a law enforcement agency, in an application for a grant under this section, to provide information to the criminal justice division about the frequency and nature of interactions between peace officers and persons suffering from an apparent opioid-related drug overdose, calls for assistance based on an apparent opioid-related drug overdose, and any exposure of peace officers, evidence technicians, or related personnel to opioids or suspected opioids in the course of performing their duties and any reactions by those persons to those substances.

(e) Requires a law enforcement agency receiving a grant under this section to provide to the criminal justice division proof of purchase of the opioid antagonists as soon as practicable after receiving the grant.

(f) Authorizes the criminal justice division to use any money available for purposes of this section.

SECTION 2. Provides that the criminal justice division is required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. Authorizes, but does not require, the criminal justice division, if the legislature does not appropriate money specifically for that purpose, to implement a provision of this Act using other appropriations available for that purpose.

SECTION 3. Effective date: upon passage or September 1, 2019.