

AN ACT

relating to programs and initiatives to prevent and respond to opioid addiction, misuse, abuse, and overdose and identify and treat co-occurring substance use disorders and mental illness.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.9362 to read as follows:

Sec. 51.9362. OVERDOSE AWARENESS TRAINING FOR RESIDENTIAL ADVISORS AND STUDENT ORGANIZATION OFFICERS. (a) In this section:

(1) "Public or private institution of higher education" includes an "institution of higher education" and a "private or independent institution of higher education," as those terms are defined by Section 61.003.

(2) "Residential advisor" means a student who is employed by a public or private institution of higher education to serve in an advisory capacity for students living in a residential facility.

(3) "Residential facility" means a residence used exclusively for housing or boarding students or faculty of a public or private institution of higher education.

(4) "Student organization" includes any organization that is composed mostly of students enrolled at a public or private institution of higher education and that:

(A) is registered with the institution;

1           (B) receives student organization resource fee  
2 revenues or other funding from the institution; or

3           (C) is otherwise recognized as a student  
4 organization by the institution.

5           (b) A public or private institution of higher education that  
6 imposes any mandatory training requirements on residential  
7 advisors or officers of student organizations must ensure that  
8 overdose awareness and appropriate response training is included  
9 with that training.

10           SECTION 2. Subchapter C, Chapter 61, Education Code, is  
11 amended by adding Section 61.08205 to read as follows:

12           Sec. 61.08205. RESEARCH ON SUBSTANCE USE DISORDERS AND  
13 ADDICTION. The board shall encourage health-related institutions,  
14 as defined by Section 62.161, as added by Chapter 448 (H.B. 7), Acts  
15 of the 84th Legislature, Regular Session, 2015, and the faculty of  
16 those institutions to individually or through collaborative effort  
17 conduct research, for public health purposes, regarding substance  
18 use disorders and addiction issues involving prescription drugs.

19           SECTION 3. Subchapter B, Chapter 531, Government Code, is  
20 amended by adding Section 531.02253 to read as follows:

21           Sec. 531.02253. TELEHEALTH TREATMENT FOR SUBSTANCE USE  
22 DISORDERS. The executive commissioner by rule shall establish a  
23 program to increase opportunities and expand access to telehealth  
24 treatment for substance use disorders in this state.

25           SECTION 4. Subchapter A, Chapter 772, Government Code, is  
26 amended by adding Section 772.0078 to read as follows:

27           Sec. 772.0078. OPIOID ANTAGONIST GRANT PROGRAM. (a) In

1 this section:

2 (1) "Criminal justice division" means the criminal  
3 justice division established under Section 772.006.

4 (2) "Opioid antagonist" and "opioid-related drug  
5 overdose" have the meanings assigned by Section 483.101, Health and  
6 Safety Code.

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

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

18 (d) In an application for a grant under this section, the  
19 law enforcement agency shall provide information to the criminal  
20 justice division about the frequency and nature of:

21 (1) interactions between peace officers and persons  
22 suffering from an apparent opioid-related drug overdose;

23 (2) calls for assistance based on an apparent  
24 opioid-related drug overdose; and

25 (3) any exposure of peace officers, evidence  
26 technicians, or related personnel to opioids or suspected opioids  
27 in the course of performing their duties and any reactions by those

1 persons to those substances.

2 (e) A law enforcement agency receiving a grant under this  
3 section shall, as soon as practicable after receiving the grant,  
4 provide to the criminal justice division proof of purchase of the  
5 opioid antagonists.

6 (f) The criminal justice division may use any money  
7 available for purposes of this section.

8 SECTION 5. Subtitle E, Title 2, Health and Safety Code, is  
9 amended by adding Chapter 109 to read as follows:

10 CHAPTER 109. STATEWIDE BEHAVIORAL HEALTH COORDINATING COUNCIL

11 Sec. 109.001. DEFINITION. In this chapter, "council" means  
12 the Statewide Behavioral Health Coordinating Council.

13 Sec. 109.002. STATEWIDE BEHAVIORAL HEALTH STRATEGIC PLAN.  
14 In preparing the statewide behavioral health strategic plan, the  
15 council shall incorporate, as a separate part of that plan,  
16 strategies regarding substance abuse issues that are developed by  
17 the council in cooperation with the Texas Medical Board and the  
18 Texas State Board of Pharmacy, including strategies for:

19 (1) addressing the challenges of existing prevention,  
20 intervention, and treatment programs;

21 (2) evaluating substance use disorder prevalence  
22 involving the abuse of opioids;

23 (3) identifying substance abuse treatment services  
24 availability and gaps; and

25 (4) collaborating with state agencies to expand  
26 substance abuse treatment services capacity in this state.

27 SECTION 6. Subchapter B, Chapter 461A, Health and Safety

1 Code, is amended by adding Sections 461A.058 and 461A.059 to read as  
2 follows:

3 Sec. 461A.058. OPIOID MISUSE PUBLIC AWARENESS CAMPAIGN.

4 (a) The executive commissioner by rule shall develop and the  
5 department shall operate a statewide public awareness campaign to  
6 deliver public service announcements that explain and clarify  
7 certain risks related to opioid misuse, including:

8 (1) the risk of overdose, addiction, respiratory  
9 depression, or over-sedation; and

10 (2) risks involved in mixing opioids with alcohol or  
11 other medications.

12 (b) This section and the statewide public awareness  
13 campaign developed under this section expire August 31, 2023.

14 Sec. 461A.059. OPIOID ANTAGONIST PROGRAM. (a) In this  
15 section, "opioid antagonist" has the meaning assigned by Section  
16 [483.101](#).

17 (b) From funds available for that purpose, the executive  
18 commissioner shall operate a program to provide opioid antagonists  
19 for the prevention of opioid overdoses in a manner determined by the  
20 executive commissioner to best accomplish that purpose.

21 (c) The executive commissioner may provide opioid  
22 antagonists under the program to emergency medical services  
23 personnel, first responders, public schools, community centers,  
24 and other persons likely to be in a position to respond to an opioid  
25 overdose.

26 (d) The commission may accept gifts, grants, and donations  
27 to be used in administering this section.

1       (e) The executive commissioner shall adopt rules as  
2 necessary to implement this section.

3       SECTION 7. Section 481.0764, Health and Safety Code, is  
4 amended by adding Subsection (f) to read as follows:

5       (f) A prescriber or dispenser whose practice includes the  
6 prescription or dispensation of opioids shall annually attend at  
7 least one hour of continuing education covering best practices,  
8 alternative treatment options, and multi-modal approaches to pain  
9 management that may include physical therapy, psychotherapy, and  
10 other treatments. The board shall adopt rules to establish the  
11 content of continuing education described by this subsection. The  
12 board may collaborate with private and public institutions of  
13 higher education and hospitals in establishing the content of the  
14 continuing education. This subsection expires August 31, 2023.

15       SECTION 8. Chapter 1001, Health and Safety Code, is amended  
16 by adding Subchapter K to read as follows:

17       SUBCHAPTER K. DATA COLLECTION AND ANALYSIS REGARDING OPIOID  
18 OVERDOSE DEATHS AND CO-OCCURRING SUBSTANCE USE DISORDERS

19       Sec. 1001.261. DATA COLLECTION AND ANALYSIS REGARDING  
20 OPIOID OVERDOSE DEATHS AND CO-OCCURRING SUBSTANCE USE DISORDERS.

21       (a) The executive commissioner shall ensure that data is collected  
22 by the department regarding opioid overdose deaths and the  
23 co-occurrence of substance use disorders and mental illness. The  
24 department may use data collected by the vital statistics unit and  
25 any other source available to the department.

26       (b) In analyzing data collected under this section, the  
27 department shall evaluate the capacity in this state for the

1 treatment of co-occurring substance use disorders and mental  
2 illness.

3 SECTION 9. Subchapter B, Chapter 32, Human Resources Code,  
4 is amended by adding Section 32.03115 to read as follows:

5 Sec. 32.03115. REIMBURSEMENT FOR MEDICATION-ASSISTED  
6 TREATMENT FOR OPIOID OR SUBSTANCE USE DISORDER. (a) In this  
7 section, "medication-assisted opioid or substance use disorder  
8 treatment" means the use of methadone, buprenorphine, oral  
9 buprenorphine/naloxone, or naltrexone to treat opioid or substance  
10 use disorder.

11 (b) Notwithstanding Sections 531.072 and 531.073,  
12 Government Code, or any other law and subject to Subsections (c) and  
13 (d), the commission shall provide medical assistance reimbursement  
14 for medication-assisted opioid or substance use disorder treatment  
15 without requiring a recipient of medical assistance or health care  
16 provider to obtain prior authorization or precertification for the  
17 treatment.

18 (c) The duty to provide medical assistance reimbursement  
19 for medication-assisted opioid or substance use disorder treatment  
20 under Subsection (b) does not apply with respect to:

21 (1) a prescription for methadone;  
22 (2) a recipient for whom medication-assisted opioid or  
23 substance use disorder treatment is determined to be medically  
24 contraindicated by the recipient's physician; or

25 (3) a recipient who is subject to an age-related  
26 restriction applicable to medication-assisted opioid or substance  
27 abuse disorder treatment.

1        (d) The commission may provide medical assistance  
2 reimbursement for medication-assisted opioid or substance use  
3 disorder treatment only if the treatment is prescribed to a  
4 recipient of medical assistance by a licensed health care provider  
5 who is authorized to prescribe methadone, buprenorphine, oral  
6 buprenorphine/naloxone, or naltrexone.

7        (e) This section expires August 31, 2023.

8        SECTION 10. Section 168.002, Occupations Code, is amended  
9 to read as follows:

10        Sec. 168.002. EXEMPTIONS. This chapter does not apply to:

11            (1) a medical or dental school or an outpatient clinic  
12 associated with a medical or dental school;

13            (2) a hospital, including any outpatient facility or  
14 clinic of a hospital;

15            (3) a hospice established under 40 T.A.C. Section  
16 97.403 or defined by 42 C.F.R. Section 418.3;

17            (4) a facility maintained or operated by this state;

18            (5) a clinic maintained or operated by the United  
19 States;

20            (6) a health organization certified by the board under  
21 Section 162.001; or

22            (7) a clinic owned or operated by a physician who  
23 treats patients within the physician's area of specialty and who  
24 personally uses other forms of treatment, including surgery, with  
25 the issuance of a prescription for a majority of the patients[~~, or~~

26            [~~(8) a clinic owned or operated by an advanced~~  
27 ~~practice nurse licensed in this state who treats patients in the~~

1 ~~nurse's area of specialty and who personally uses other forms of~~  
2 ~~treatment with the issuance of a prescription for a majority of the~~  
3 ~~patients].~~

4 SECTION 11. Subchapter A, Chapter 554, Occupations Code, is  
5 amended by adding Section 554.018 to read as follows:

6 Sec. 554.018. COMPREHENSIVE SUBSTANCE USE DISORDER  
7 APPROACH. The board shall encourage pharmacists to participate in  
8 a program that provides a comprehensive approach to the delivery of  
9 early intervention and treatment services for persons with  
10 substance use disorders and persons who are at risk of developing  
11 substance use disorders, such as a program promoted by the  
12 Substance Abuse and Mental Health Services Administration within  
13 the United States Department of Health and Human Services.

14 SECTION 12. Section 51.9362, Education Code, as added by  
15 this Act, applies beginning with training required for the  
16 2019-2020 academic year.

17 SECTION 13. (a) Not later than December 1, 2019, the  
18 executive commissioner of the Health and Human Services Commission  
19 shall:

20 (1) develop the opioid misuse public awareness  
21 campaign required by Section 461A.058, Health and Safety Code, as  
22 added by this Act; and

23 (2) establish the opioid antagonist program required  
24 by Section 461A.059, Health and Safety Code, as added by this Act.

25 (b) Notwithstanding Subsection (a) of this section, if an  
26 opioid misuse public awareness campaign described by Section  
27 461A.058, Health and Safety Code, as added by this Act, is already

1 in operation as of the effective date of this Act, the Health and  
2 Human Services Commission and the Department of State Health  
3 Services may continue to operate that public awareness campaign to  
4 satisfy the requirements of that section.

5 (c) Notwithstanding Subsection (a) of this section, if an  
6 opioid antagonist program described by Section 461A.059, Health and  
7 Safety Code, as added by this Act, is already in operation as of the  
8 effective date of this Act, the Health and Human Services  
9 Commission may continue to operate that program to satisfy the  
10 requirements of that section.

11 SECTION 14. A state agency is required to implement a  
12 provision of this Act only if the legislature appropriates money  
13 specifically for that purpose. If the legislature does not  
14 appropriate money specifically for that purpose, the state agency  
15 may, but is not required to, implement a provision of this Act using  
16 other appropriations available for that purpose.

17 SECTION 15. If before implementing any provision of this  
18 Act a state agency determines that a waiver or authorization from a  
19 federal agency is necessary for implementation of that provision,  
20 the agency affected by the provision shall request the waiver or  
21 authorization and may delay implementing that provision until the  
22 waiver or authorization is granted.

23 SECTION 16. This Act takes effect September 1, 2019.

---

President of the Senate

---

Speaker of the House

I certify that H.B. No. 3285 was passed by the House on May 10, 2019, by the following vote: Yeas 119, Nays 18, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 3285 on May 24, 2019, by the following vote: Yeas 124, Nays 18, 2 present, not voting.

---

Chief Clerk of the House

I certify that H.B. No. 3285 was passed by the Senate, with amendments, on May 22, 2019, by the following vote: Yeas 29, Nays 2.

---

Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

---

Governor