

BILL ANALYSIS

C.S.H.B. 3192
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Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

According to CDC data compiled by Families Against Fentanyl, fentanyl overdoses are the number one cause of unintentional deaths for adults ages 18-45 in the United States. Since 2019, fentanyl-related deaths among Texans have increased more than 500%, according to provisional data from the Texas Department of State Health Services. Fentanyl is a deadly synthetic opioid that is being used as an additive in many substances such as heroin, cocaine, and more. Fentanyl can be sold in several forms: in the form of a powder, in eye droppers, in nasal sprays, and in the form of a pill.

The Kaprosy Family, constituents of House District 118, experienced the devastation that fentanyl can have on a person, family, friends, and a community. At 17 years old, Danica Kaprosy, daughter of Daniel and Veronica Kaprosy, passed away after unknowingly taking a pill that would turn out to be fentanyl, making her one of the first Bexar County deaths from fentanyl. Now, her parents have dedicated their lives to raising awareness of the dangers of this drug so that other parents and families do not have to suffer this loss.

Governor Greg Abbott and the Texas Department of Public Safety have stated that in a majority of these cases, the decedent did not actively seek to take fentanyl nor did they realize they were taking fentanyl. These persons took fatal, look-alike counterfeits that they most likely believed were prescription pharmaceuticals, purchased or obtained outside of the health care system. Drug cartels supply most fentanyl in Texas. Many are manufactured to look like prescription pharmaceuticals and some are made to look like candy. Victim's families have voiced concern of inaccurate and inconsistent causes of death listed on a death certificate. Examples include: fentanyl toxicity-accidental, overdose, and suicide.

C.S.H.B. 3192 seeks to honor these victims and their families by requiring the medical certification on the death certificate to include the term "Fentanyl Poisoning" if a toxicology examination reveals a controlled substance listed in Penalty Group 1-B present in the decedent's body in an amount or concentration that is considered to be lethal by generally accepted scientific standards and the autopsy results are consistent with an opioid overdose as the cause of death.

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. 3192 amends the Health and Safety Code to require the medical certification on a death certificate to include the term "Fentanyl Poisoning" if a toxicology examination reveals a controlled substance listed in Penalty Group 1-B present in the decedent's body in an amount or concentration that is considered to be lethal by generally accepted scientific standards and the results of an autopsy performed on the decedent are consistent with an opioid overdose as the cause of death. The bill's provisions apply only to a death that occurs on or after the bill's effective date or a death that occurs before that date but is discovered on or after that date.

EFFECTIVE DATE

September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 3192 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

Whereas the introduced required a death certificate to include in the cause of death the presence of a Penalty Group 1-B substance and the term "Fentanyl Poisoning" if a toxicology examination reveals a detectable amount of such a substance, the substitute requires that term to be included in the medical certification on a death certificate if such an examination reveals such a substance present in the decedent's body in an amount or concentration considered to be lethal by generally accepted scientific standards. Additionally, the substitute conditions that requirement on the autopsy results being consistent with an opioid overdose as the cause of death, but the introduced did not include this condition. The introduced included an exception to the requirement if the substance is administered as authorized by law, but the substitute does not include this exception.

The substitute includes provisions absent from the introduced making the bill's provisions applicable only to a death that occurs on or after the bill's effective date or that occurs before that date but is discovered on or after the bill's effective date.