

## **BILL ANALYSIS**

Senate Research Center

S.B. 1319  
By: Huffman  
Criminal Justice  
5/24/2023  
Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Overdose cases in Texas have been on the rise due to the increased presence of fentanyl poisoning unsuspecting drug users. Currently, the way the Texas Medical Information Act fits into the Health Insurance Portability and Accountability Act (HIPAA), certain state entities do not have liability coverage under HIPAA to share overdose information. This information could be used to help identify overdose spike areas, deploy overdose responses, and target and secure community resources.

S.B. 1319 allows a public health authority, local health authority, or law enforcement agency to provide overdose information to a governmental entity that maintains a computerized system through a participation agreement. Information that is eligible to be disclosed to the system can only be specific to the overdose and not include any personal information of the victim. Access to this overdose data will help public health agencies mobilize prevention and intervention response, and hopefully, save lives.

(Original Author's/Sponsor's Statement of Intent)

S.B. 1319 amends current law relating to the reporting of certain overdose information and the mapping of overdoses for public safety purposes.

### **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 E, Chapter 161, Health and Safety Code, by adding Section 161.045, as follows:

Sec. 161.045. MANDATORY REPORTING OF CONTROLLED SUBSTANCE OVERDOSES FOR PUBLIC SAFETY MAPPING. (a) Defines "controlled substance," "emergency medical services personnel," "opioid antagonist," and "overdose."

(b) Provides that this section applies only to emergency medical services personnel operating within the geographical jurisdiction of a local health authority or law enforcement agency, as applicable, that has entered into a participation agreement for overdose mapping under Section 370.007, Local Government Code.

(c) Requires a person to whom this section applies who responds to an overdose incident to report information about the incident as soon as possible to the local health authority or law enforcement agency, as applicable, that has entered into the participation agreement under Section 370.007, Local Government Code. Provides that a person satisfies the requirements of this section by reporting information to either the appropriate local health authority or law enforcement agency.

(d) Requires that a report under this section include, if possible:

- (1) the date and time of the overdose incident;
  - (2) the approximate location of the overdose incident, using:
    - (A) an address;
    - (B) the latitude and longitude of the location; or
    - (C) the location data from a cellular device;
  - (3) whether an opioid antagonist was administered, and if so, the number of doses and the type of delivery; and
  - (4) whether the overdose was fatal or nonfatal.
- (e) Provides that a person who reports information about an overdose incident under this section in good faith is not subject to civil or criminal liability for making the report.
- (f) Authorizes a law enforcement agency to use information received from a report under this section only for mapping overdose locations for public safety purposes.
- (g) Provides that information in a report described by this section is confidential and not subject to disclosure under Chapter 552 (Public Information), Government Code.

SECTION 2. Amends Chapter 370, Local Government Code, by adding Section 370.007, as follows:

Sec. 370.007. PARTICIPATION AGREEMENT FOR OVERDOSE MAPPING. (a) Requires a local health authority or law enforcement agency to enter into a participation agreement with an entity that maintains a computerized system for mapping overdoses of one or more controlled substances for public safety purposes.

(b) Requires a local health authority or law enforcement agency to provide information received under Section 161.045, Health and Safety Code, to the entity with which the authority or agency has a participation agreement under Subsection (a) for purposes of entering the information into the computerized system. Provides that the local health authority or law enforcement agency is not required to provide information received under Section 161.045, Health and Safety Code, regarding a controlled substance to the entity with which the authority or agency has a participation agreement if the entity does not maintain an overdose map that includes the controlled substance.

(c) Provides that a local health authority or law enforcement agency or an employee of a local health authority or law enforcement agency is not subject to civil or criminal liability for providing information received under Section 161.045, Health and Safety Code, to an entity pursuant to a participation agreement under this section.

(d) Provides that information provided to an entity pursuant to a participation agreement under this section is confidential and not subject to disclosure under Chapter 552, Government Code.

(e) Provides that this section does not waive sovereign immunity to suit or liability.

SECTION 3. Effective date: September 1, 2023.