

## **BILL ANALYSIS**

S.B. 1319  
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Homeland Security & Public Safety  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Overdose cases in Texas have been on the rise due to the increased presence of fentanyl poisoning unsuspecting drug users. Currently, the way the state law fits into the federal 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. Accordingly, S.B. 1319 seeks to allow a local health authority or law enforcement agency to provide overdose information to an entity that maintains a computerized system for mapping overdoses.

### **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**

S.B. 1319 amends the Health and Safety Code and Local Government Code to require, respectively, 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 and to require emergency medical services personnel operating within the geographical jurisdiction of a local health authority or law enforcement agency, as applicable, that has entered into such an agreement 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 agreement. The bill requires the report to include, if possible:

- the date and time of the overdose incident;
- the approximate location of the overdose incident, using:
  - an address;
  - the latitude and longitude of the location; or
  - the location data from a cellular device;
- whether an opioid antagonist was administered, and if so, the number of doses and the type of delivery; and
- whether the overdose was fatal or nonfatal.

The bill exempts emergency medical services personnel who report information about an overdose incident in good faith from civil or criminal liability for making the report. The bill restricts a law enforcement agency's use of information received from a report to mapping

overdose locations for public safety purposes and makes information in the report confidential and exempt from disclosure under state public information law.

S.B. 1319 requires a local health authority or law enforcement agency to provide information received from such reports to the entity with which the authority or agency has a participation agreement for purposes of entering the information into the computerized system. The bill establishes the following with respect to such reports:

- the local health authority or law enforcement agency is not required to provide information received from those reports 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;
- a local health authority, a 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 from a report to an entity pursuant to a participation agreement; and
- information provided to an entity pursuant to a participation agreement is confidential and not subject to disclosure under state public information law.

The bill's provisions relating to the participation agreements do not waive sovereign immunity to suit or liability.

**EFFECTIVE DATE**

September 1, 2023.