88R25525 CJD-D

By:  Turner, Lujan, Harless H.B. No. 3480

Substitute the following for H.B. No. 3480:

By:  Bowers C.S.H.B. No. 3480

A BILL TO BE ENTITLED

AN ACT

relating to the reporting of certain overdose information and the mapping of overdoses for public safety purposes.

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

SECTION 1.  Subchapter E, Chapter 161, Health and Safety Code, is amended by adding Section 161.045 to read as follows:

Sec. 161.045.  MANDATORY REPORTING OF CONTROLLED SUBSTANCE OVERDOSES FOR PUBLIC SAFETY MAPPING. (a) In this section:

(1)  "Controlled substance" has the meaning assigned by Section 481.002.

(2)  "Emergency medical services personnel" has the meaning assigned by Section 773.003.

(3)  "Opioid antagonist" has the meaning assigned by Section 483.101.

(4)  "Overdose" means an acute condition caused by abuse or misuse of a controlled substance evidenced by symptoms such as extreme physical illness, decreased level of consciousness, respiratory depression, coma, or death.

(b)  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)  A person to whom this section applies who responds to an overdose incident shall 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. A person satisfies the requirements of this section by reporting information to either the appropriate local health authority or law enforcement agency.

(d)  A report under this section must 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)  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)  A law enforcement agency may use information received from a report under this section only for mapping overdose locations for public safety purposes.

(g)  Information in a report described by this section is confidential and not subject to disclosure under Chapter 552, Government Code.

SECTION 2.  Chapter 370, Local Government Code, is amended by adding Section 370.007 to read as follows:

Sec. 370.007.  PARTICIPATION AGREEMENT FOR OVERDOSE MAPPING. (a) A local health authority or law enforcement agency shall 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)  A local health authority or law enforcement agency shall 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. 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)  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)  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)  This section does not waive sovereign immunity to suit or liability.

SECTION 3.  This Act takes effect September 1, 2023.