By:  Huffman S.B. No. 1319

(In the Senate - Filed February 28, 2023; March 1, 2023, read first time and referred to Committee on Criminal Justice; March 9, 2023, reported adversely, with favorable Committee Substitute by the following vote: Yeas 7, Nays 0; March 9, 2023, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Whitmire        X

Flores          X

Bettencourt     X

Hinojosa        X

Huffman         X

King            X

Miles           X

COMMITTEE SUBSTITUTE FOR S.B. No. 1319 By:  Huffman

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

(b)  This section applies only to a law enforcement officer, first responder, or other person who administers emergency services who is employed by a county in which the local health authority or law enforcement agency, as applicable, 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.

(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 may enter into a participation agreement with an entity that maintains a computerized system for mapping overdoses 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.

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

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