

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

1 overdose incident shall report information about the incident as
2 soon as possible to the local health authority or law enforcement
3 agency, as applicable, that has entered into the participation
4 agreement under Section 370.007, Local Government Code. A person
5 satisfies the requirements of this section by reporting information
6 to either the appropriate local health authority or law enforcement
7 agency.

8 (d) A report under this section must include, if possible:

9 (1) the date and time of the overdose incident;

10 (2) the approximate location of the overdose incident,

11 using:

12 (A) an address;

13 (B) the latitude and longitude of the location;

14 or

15 (C) the location data from a cellular device;

16 (3) whether an opioid antagonist was administered, and
17 if so, the number of doses and the type of delivery; and

18 (4) whether the overdose was fatal or nonfatal.

19 (e) A person who reports information about an overdose
20 incident under this section in good faith is not subject to civil or
21 criminal liability for making the report.

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

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

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

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

8 (b) A local health authority or law enforcement agency shall
9 provide information received under Section 161.045, Health and
10 Safety Code, to the entity with which the authority or agency has a
11 participation agreement under Subsection (a) for purposes of
12 entering the information into the computerized system. The local
13 health authority or law enforcement agency is not required to
14 provide information received under Section 161.045, Health and
15 Safety Code, regarding a controlled substance to the entity with
16 which the authority or agency has a participation agreement if the
17 entity does not maintain an overdose map that includes the
18 controlled substance.

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

25 (d) Information provided to an entity pursuant to a
26 participation agreement under this section is confidential and not
27 subject to disclosure under Chapter 552, Government Code.

1 (e) This section does not waive sovereign immunity to suit
2 or liability.

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