

BILL ANALYSIS

C.S.H.B. 35
By: Thompson
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The bill author has informed the committee that regular exposure to traumatic events such as shootings, automobile accidents, or house fires can lead to complex mental health conditions for first responders, including depression, anxiety, and post-traumatic stress disorder, at rates as high as 5 to 10 times that of the general population. According to the Meadows Mental Health Policy Institute, in 2019, the number of law enforcement officers who died by suicide across the U.S., 228, was nearly double the number of officers killed in the line of duty, 132. Tragically, that organization also reports that Texas recorded the highest number of law enforcement officer suicides in 2022. Additionally, a 2018 report on first responder mental health by the Ruderman Family Foundation found that firefighters die by suicide at an even higher rate than their law enforcement counterparts, with 18 per 100,000 firefighters dying by suicide and 17 law enforcement officers per 100,000 dying by suicide. The CDC also found that emergency medical services personnel were 1.39 times more likely than the public to die by suicide. Although there are no official statistics maintained for these rates in Texas, these data demonstrate that all first responders are confronting a mental health crisis.

In 2021, the 87th Texas Legislature addressed law enforcement suicides by passing S.B. 64, creating a peer support network for law enforcement officers through the Texas Commission on Law Enforcement. The bill author has informed the committee that the increased access to trained peer support provided by the network has measurably reduced the number of law enforcement officers that die by suicide, and, as a result, should be replicated to provide this support to firefighters and emergency management services personnel. C.S.H.B. 35 seeks to address this issue by requiring the establishment of a first responder peer support network.

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

C.S.H.B. 35 amends the Government Code to require the Texas Division of Emergency Management (TDEM) to develop a first responder peer support network that includes the following:

- peer-to-peer support;
- training for peer service coordinators and peers that includes suicide prevention training;
- technical assistance for program development, peer service coordinators, licensed mental health professionals, and peers; and

- identification, retention, and screening of licensed mental health professionals.

The bill establishes that TDEM, as part of the network, is required to ensure first responders have support in both urban and rural jurisdictions through the establishment of regional peer support hubs and may establish a program to connect first responders with clinical resources at no cost to the first responders. The bill requires TDEM to solicit and ensure that specialized training is provided to persons who are peers and who want to provide peer-to-peer support and other peer-to-peer services under the network.

C.S.H.B. 35 establishes that information relating to a first responder's participation in peer-to-peer support and other peer-to-peer services under the network is confidential and not subject to disclosure under state public information law. The bill requires TDEM, not later than December 1 of each year, to submit a report to the governor and the legislature that includes the following information:

- the number of first responders who received peer support through the network;
- the number of peers and peer service coordinators trained, including the number of active peers and coordinators and the retention rate of peers and coordinators;
- the number of vacant regional director positions and the average length of time each position has been vacant;
- the number and types of community engagement events and outreach activities hosted by the network to promote first responder awareness and use of the network;
- the number of critical incident responses and wellness interventions facilitated by the network;
- an evaluation of the services provided; and
- recommendations for program improvements.

C.S.H.B. 35 prohibits the Texas Commission on Fire Protection (TCFP) from taking disciplinary action against a regulated person based on the person's participation in peer-to-peer support and other peer-to-peer services and from considering the person's participation during any disciplinary proceeding under statutory provisions governing TCFP.

C.S.H.B. 35 amends the Health and Safety Code to prohibit the Department of State Health Services from taking disciplinary action against emergency medical services personnel based on their participation in peer-to-peer support and other peer-to-peer services and from considering their participation during any disciplinary proceeding under the Emergency Health Care Act.

C.S.H.B. 35 defines the following terms:

- "emergency medical services personnel" by reference to its meaning assigned by the Emergency Health Care Act;
- "firefighter" as a firefighter who is a permanent, paid employee of the fire department of a political subdivision, excluding a volunteer firefighter;
- "first responder" as emergency medical services personnel or a firefighter; and
- "peer" as a person who is a first responder or retired first responder.

EFFECTIVE DATE

September 1, 2025.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 35 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The introduced and the substitute both require the development of a first responder peer support network but differ in the following ways:

- whereas the introduced transferred existing statutory provisions relating to a law enforcement officer peer support network developed by the Texas Commission on Law Enforcement (TCOLE) to existing statutory provisions governing the Texas Southern University (TSU) and expanded the scope of those provisions by making them applicable also with respect to a firefighter and emergency services personnel, the substitute adds new provisions relating to a first responder peer support network to the Texas Disaster Act of 1975, applicable only with respect to a firefighter and emergency services personnel, and does not revise existing statutory provisions relating to a law enforcement officer peer support network;
- accordingly, the introduced removed a statutory provision authorizing TCOLE to adopt rules to implement a law enforcement officer peer support network, whereas the substitute does not; and
- whereas the introduced replaced TCOLE with TSU as the entity responsible for developing and performing other duties with respect to the network, the substitute designates TDEM as the entity responsible for developing the network and those same duties.

The substitute omits the provision from the introduced that replaced the prohibition against a law enforcement officer's participation in peer-to-peer support and other peer-to-peer services under the network serving as the basis for a revocation, suspension, or denial of a law enforcement officer license or being considered in any proceeding related to the officer's licensure under applicable state law with a prohibition against TCOLE taking disciplinary action against an officer based on that participation and considering the officer's participation during any disciplinary proceeding under that law.

Whereas the introduced repealed the provision authorizing TCOLE to contract with an institution of higher education that has appropriate expertise in mental health or law enforcement to develop the law enforcement officer peer support network, the substitute does not repeal this provision.