

By: Guillen, Johnson, King of Taylor

H.B. No. 225

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the prescription, administration, and possession of  
3 certain opioid antagonists for the treatment of a suspected  
4 overdose and a defense to prosecution for certain offenses  
5 involving controlled substances and other prohibited drugs,  
6 substances, or paraphernalia for defendants seeking assistance for  
7 a suspected overdose.

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

9 SECTION 1. Section 481.115, Health and Safety Code, is  
10 amended by adding Subsection (g) to read as follows:

11 (g) It is a defense to prosecution for an offense punishable  
12 under Subsection (b) that the actor:

13 (1) requested emergency medical assistance in  
14 response to the possible overdose of the actor or another person;

15 (2) was the first person to make a request for medical  
16 assistance under Subdivision (1); and

17 (3) if the actor requested emergency medical  
18 assistance in response to the possible overdose of another person:

19 (A) remained on the scene until the medical  
20 assistance arrived; and

21 (B) cooperated with medical assistance and law  
22 enforcement personnel.

23 SECTION 2. Section 481.1151, Health and Safety Code, is  
24 amended by adding Subsection (c) to read as follows:

1       (c) It is a defense to prosecution for an offense punishable  
2 under Subsection (b)(1) that the actor:

3           (1) requested emergency medical assistance in  
4 response to the possible overdose of the actor or another person;

5           (2) was the first person to make a request for medical  
6 assistance under Subdivision (1); and

7           (3) if the actor requested emergency medical  
8 assistance in response to the possible overdose of another person:

9                   (A) remained on the scene until the medical  
10 assistance arrived; and

11                   (B) cooperated with medical assistance and law  
12 enforcement personnel.

13       SECTION 3. Section [481.116](#), Health and Safety Code, is  
14 amended by adding Subsection (f) to read as follows:

15       (f) It is a defense to prosecution for an offense punishable  
16 under Subsection (b) that the actor:

17           (1) requested emergency medical assistance in  
18 response to the possible overdose of the actor or another person;

19           (2) was the first person to make a request for medical  
20 assistance under Subdivision (1); and

21           (3) if the actor requested emergency medical  
22 assistance in response to the possible overdose of another person:

23                   (A) remained on the scene until the medical  
24 assistance arrived; and

25                   (B) cooperated with medical assistance and law  
26 enforcement personnel.

27       SECTION 4. Section [481.1161](#), Health and Safety Code, is

1 amended by adding Subsection (c) to read as follows:

2 (c) It is a defense to prosecution for an offense punishable  
3 under Subsection (b)(1) or (2) that the actor:

4 (1) requested emergency medical assistance in  
5 response to the possible overdose of the actor or another person;

6 (2) was the first person to make a request for medical  
7 assistance under Subdivision (1); and

8 (3) if the actor requested emergency medical  
9 assistance in response to the possible overdose of another person:

10 (A) remained on the scene until the medical  
11 assistance arrived; and

12 (B) cooperated with medical assistance and law  
13 enforcement personnel.

14 SECTION 5. Section 481.117, Health and Safety Code, is  
15 amended by adding Subsection (f) to read as follows:

16 (f) It is a defense to prosecution for an offense punishable  
17 under Subsection (b) that the actor:

18 (1) requested emergency medical assistance in  
19 response to the possible overdose of the actor or another person;

20 (2) was the first person to make a request for medical  
21 assistance under Subdivision (1); and

22 (3) if the actor requested emergency medical  
23 assistance in response to the possible overdose of another person:

24 (A) remained on the scene until the medical  
25 assistance arrived; and

26 (B) cooperated with medical assistance and law  
27 enforcement personnel.

1 SECTION 6. Section 481.118, Health and Safety Code, is  
2 amended by adding Subsection (f) to read as follows:

3 (f) It is a defense to prosecution for an offense punishable  
4 under Subsection (b) that the actor:

5 (1) requested emergency medical assistance in  
6 response to the possible overdose of the actor or another person;

7 (2) was the first person to make a request for medical  
8 assistance under Subdivision (1); and

9 (3) if the actor requested emergency medical  
10 assistance in response to the possible overdose of another person:

11 (A) remained on the scene until the medical  
12 assistance arrived; and

13 (B) cooperated with medical assistance and law  
14 enforcement personnel.

15 SECTION 7. Section 481.119, Health and Safety Code, is  
16 amended by adding Subsection (c) to read as follows:

17 (c) It is a defense to prosecution for an offense under  
18 Subsection (b) that the actor:

19 (1) requested emergency medical assistance in  
20 response to the possible overdose of the actor or another person;

21 (2) was the first person to make a request for medical  
22 assistance under Subdivision (1); and

23 (3) if the actor requested emergency medical  
24 assistance in response to the possible overdose of another person:

25 (A) remained on the scene until the medical  
26 assistance arrived; and

27 (B) cooperated with medical assistance and law

1 enforcement personnel.

2 SECTION 8. Section 481.121, Health and Safety Code, is  
3 amended by adding Subsection (c) to read as follows:

4 (c) It is a defense to prosecution for an offense punishable  
5 under Subsection (b)(1) or (2) that the actor:

6 (1) requested emergency medical assistance in  
7 response to the possible overdose of the actor or another person;

8 (2) was the first person to make a request for medical  
9 assistance under Subdivision (1); and

10 (3) if the actor requested emergency medical  
11 assistance in response to the possible overdose of another person:

12 (A) remained on the scene until the medical  
13 assistance arrived; and

14 (B) cooperated with medical assistance and law  
15 enforcement personnel.

16 SECTION 9. Section 481.125, Health and Safety Code, is  
17 amended by adding Subsection (g) to read as follows:

18 (g) It is a defense to prosecution for an offense under  
19 Subsection (a) that the actor:

20 (1) requested emergency medical assistance in  
21 response to the possible overdose of the actor or another person;

22 (2) was the first person to make a request for medical  
23 assistance under Subdivision (1); and

24 (3) if the actor requested emergency medical  
25 assistance in response to the possible overdose of another person:

26 (A) remained on the scene until the medical  
27 assistance arrived; and

1           (B) cooperated with medical assistance and law  
2 enforcement personnel.

3           SECTION 10. Section 483.041, Health and Safety Code, is  
4 amended by adding Subsection (e) to read as follows:

5           (e) It is a defense to prosecution for an offense under  
6 Subsection (a) that the actor:

7           (1) requested emergency medical assistance in  
8 response to the possible overdose of the actor or another person;

9           (2) was the first person to make a request for medical  
10 assistance under Subdivision (1); and

11           (3) if the actor requested emergency medical  
12 assistance in response to the possible overdose of another person:

13           (A) remained on the scene until the medical  
14 assistance arrived; and

15           (B) cooperated with medical assistance and law  
16 enforcement personnel.

17           SECTION 11. Section 485.031, Health and Safety Code, is  
18 amended by adding Subsection (c) to read as follows:

19           (c) It is a defense to prosecution for an offense under  
20 Subsection (a) that the actor:

21           (1) requested emergency medical assistance in  
22 response to the possible overdose of the actor or another person;

23           (2) was the first person to make a request for medical  
24 assistance under Subdivision (1); and

25           (3) if the actor requested emergency medical  
26 assistance in response to the possible overdose of another person:

27           (A) remained on the scene until the medical

1 assistance arrived; and

2 (B) cooperated with medical assistance and law  
3 enforcement personnel.

4 SECTION 12. Chapter 483, Health and Safety Code, is amended  
5 by adding Subchapter E to read as follows:

6 SUBCHAPTER E. OPIOID ANTAGONISTS

7 Sec. 483.101. DEFINITIONS. In this subchapter:

8 (1) "Emergency services personnel" includes  
9 firefighters, police officers and other peace officers, emergency  
10 medical services personnel as defined by Section 773.003, emergency  
11 room personnel, and other individuals who, in the course and scope  
12 of employment or as a volunteer, provide services for the benefit of  
13 the general public during emergency situations.

14 (2) "Health care professional" means a person  
15 authorized by law to prescribe an opioid antagonist.

16 (3) "Opioid antagonist" means any drug that binds to  
17 opioid receptors and blocks or disinhibits the effects of opioids  
18 acting on those receptors.

19 (4) "Opioid-related drug overdose" means a condition,  
20 evidenced by symptoms such as extreme physical illness, decreased  
21 level of consciousness, constriction of the pupils, respiratory  
22 depression, or coma, that a layperson would reasonably believe to  
23 be the result of the consumption or use of an opioid.

24 Sec. 483.102. PRESCRIPTION OF OPIOID ANTAGONIST; STANDING  
25 ORDER. (a) A health care professional may, directly or by standing  
26 order, prescribe, dispense, or distribute an opioid antagonist to:

27 (1) a person at risk of experiencing an opioid-related

1 drug overdose; or

2 (2) a family member, friend, or other person in a  
3 position to assist a person described by Subdivision (1).

4 (b) A prescription issued under this section is considered  
5 as issued for a legitimate medical purpose in the usual course of  
6 professional practice.

7 (c) A health care professional who, acting with reasonable  
8 care, prescribes or dispenses an opioid antagonist is not subject  
9 to any criminal or civil liability or any professional disciplinary  
10 action for:

11 (1) prescribing or dispensing the opioid antagonist;  
12 or

13 (2) any outcome resulting from the eventual  
14 administration of the opioid antagonist.

15 Sec. 483.103. DISTRIBUTION OF OPIOID ANTAGONIST; STANDING  
16 ORDER. A person or organization acting under a standing order  
17 issued by a health care professional may store an opioid antagonist  
18 and may dispense an opioid antagonist, provided the person or  
19 organization does not request or receive compensation for storage  
20 or dispensation.

21 Sec. 483.104. POSSESSION OF OPIOID ANTAGONIST. Any person  
22 may possess an opioid antagonist, regardless of whether the person  
23 holds a prescription for the opioid antagonist.

24 Sec. 483.105. DUTY OF PHARMACISTS. (a) Except as provided  
25 by Subsection (b), a pharmacist that provides an opioid antagonist  
26 to a person shall offer counseling to the person about:

27 (1) overdose recognition and prevention; and



1           (2) the administration of opioid antagonists, patient  
2 responses, and potential side effects.

3           (b) A pharmacist is not required to provide the counseling  
4 described by Subsection (a) if the opioid antagonist:

5           (1) is approved by the federal Food and Drug  
6 Administration; and

7           (2) is labeled for administration by a person  
8 described by Section 483.102.

9           Sec. 483.106. ADMINISTRATION OF OPIOID ANTAGONIST. (a) A  
10 person who, acting with reasonable care, administers an opioid  
11 antagonist to another person whom the person believes is suffering  
12 an opioid-related drug overdose is not subject to criminal  
13 prosecution, sanction under any professional licensing statute, or  
14 civil liability, for an act or omission resulting from the  
15 administration of the opioid antagonist.

16           (b) Emergency services personnel are authorized to  
17 administer an opioid antagonist to a person who appears to be  
18 suffering an opioid-related drug overdose, as clinically  
19 indicated.

20           Sec. 483.107. OPIOID ANTAGONIST TRAINING. A person, state  
21 agency, or political subdivision of the state that provides opioid  
22 antagonists to emergency services personnel for use in the regular  
23 course of providing emergency services shall provide those  
24 personnel with a course of instruction about:

25           (1) overdose recognition and prevention; and

26           (2) the administration of opioid antagonists, patient  
27 responses, and potential side effects.

1       Sec. 483.108. GRANTS. The Health and Human Services  
2 Commission and the criminal justice division of the governor's  
3 office may issue grants for:

- 4           (1) drug overdose prevention;  
5           (2) recognition and response education for  
6 individuals, family members, and emergency services personnel; and  
7           (3) opioid antagonist prescription or distribution  
8 projects.

9       Sec. 483.109. CONFLICT OF LAW. To the extent of a conflict  
10 between this subchapter and another law, this subchapter controls.

11       SECTION 13. (a) The change in law made by this Act relating  
12 to conduct that is grounds for imposition of a disciplinary  
13 sanction applies only to conduct that occurs on or after September  
14 1, 2015.

15       (b) Conduct that occurs before September 1, 2015, is  
16 governed by the law in effect on the date the conduct occurred, and  
17 the former law is continued in effect for that purpose.

18       SECTION 14. (a) The change in law made by this Act relating  
19 to conduct that is the basis for civil liability applies only to  
20 conduct that occurs on or after September 1, 2015.

21       (b) Conduct that occurs before September 1, 2015, is  
22 governed by the law in effect on the date the conduct occurred, and  
23 the former law is continued in effect for that purpose.

24       SECTION 15. (a) The change in law made by this Act relating  
25 to conduct that constitutes a criminal offense applies only to an  
26 offense committed on or after September 1, 2015.

27       (b) For purposes of this section, an offense is committed

1 before September 1, 2015, if any element of the offense occurs  
2 before that date.

3 (c) An offense committed before September 1, 2015, is  
4 governed by the law in effect on the date the offense was committed,  
5 and the former law is continued in effect for that purpose.

6 SECTION 16. This Act takes effect September 1, 2015.