

# 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.

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 Subsections (g), (h), and (i) to read as follows:

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

22 (2) was the victim of a possible overdose for which  
23 emergency medical assistance was requested, by the actor or by  
24 another person, during an ongoing medical emergency.

1        (h) The defense to prosecution provided by Subsection (g) is  
2        not available if, at the time the request for emergency medical  
3        assistance was made, a peace officer was in the process of arresting  
4        the actor or executing a search warrant describing the actor or the  
5        place from which the request for medical assistance was made.

6        (i) The defense to prosecution provided by Subsection (g)  
7        does not preclude the admission of evidence obtained by law  
8        enforcement resulting from the request for emergency medical  
9        assistance if that evidence pertains to an offense for which the  
10        defense described by Subsection (g) is not available.

11        SECTION 2. Section [481.1151](#), Health and Safety Code, is  
12        amended by adding Subsections (c), (d), and (e) to read as follows:

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

15            (1) was the first person to request emergency medical  
16            assistance in response to the possible overdose of another person  
17            and:

18            (A) made the request for medical assistance  
19            during an ongoing medical emergency;

20            (B) remained on the scene until the medical  
21            assistance arrived; and

22            (C) cooperated with medical assistance and law  
23            enforcement personnel; or

24            (2) was the victim of a possible overdose for which  
25            emergency medical assistance was requested, by the actor or by  
26            another person, during an ongoing medical emergency.

27        (d) The defense to prosecution provided by Subsection (c) is

1 not available if, at the time the request for emergency medical  
2 assistance was made, a peace officer was in the process of arresting  
3 the actor or executing a search warrant describing the actor or the  
4 place from which the request for medical assistance was made.

5       (e) The defense to prosecution provided by Subsection (c)  
6 does not preclude the admission of evidence obtained by law  
7 enforcement resulting from the request for emergency medical  
8 assistance if that evidence pertains to an offense for which the  
9 defense described by Subsection (c) is not available.

10       SECTION 3. Section 481.116, Health and Safety Code, is  
11 amended by adding Subsections (f), (g), and (h) to read as follows:

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

14            (1) was the first person to request emergency medical  
15 assistance in response to the possible overdose of another person  
16 and:

17            (A) made the request for medical assistance  
18 during an ongoing medical emergency;

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

21            (C) cooperated with medical assistance and law  
22 enforcement personnel; or

23            (2) was the victim of a possible overdose for which  
24 emergency medical assistance was requested, by the actor or by  
25 another person, during an ongoing medical emergency.

26       (g) The defense to prosecution provided by Subsection (f) is  
27 not available if, at the time the request for emergency medical

1 assistance was made, a peace officer was in the process of arresting  
2 the actor or executing a search warrant describing the actor or the  
3 place from which the request for medical assistance was made.

4       (h) The defense to prosecution provided by Subsection (f)  
5 does not preclude the admission of evidence obtained by law  
6 enforcement resulting from the request for emergency medical  
7 assistance if that evidence pertains to an offense for which the  
8 defense described by Subsection (f) is not available.

9       SECTION 4. Section 481.1161, Health and Safety Code, is  
10 amended by adding Subsections (c), (d), and (e) to read as follows:

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

13           (1) was the first person to request emergency medical  
14 assistance in response to the possible overdose of another person  
15 and:

16           (A) made the request for medical assistance  
17 during an ongoing medical emergency;

18           (B) remained on the scene until the medical  
19 assistance arrived; and

20           (C) cooperated with medical assistance and law  
21 enforcement personnel; or

22           (2) was the victim of a possible overdose for which  
23 emergency medical assistance was requested, by the actor or by  
24 another person, during an ongoing medical emergency.

25       (d) The defense to prosecution provided by Subsection (c) is  
26 not available if, at the time the request for emergency medical  
27 assistance was made, a peace officer was in the process of arresting

1 the actor or executing a search warrant describing the actor or the  
2 place from which the request for medical assistance was made.

3 (e) The defense to prosecution provided by Subsection (c)  
4 does not preclude the admission of evidence obtained by law  
5 enforcement resulting from the request for emergency medical  
6 assistance if that evidence pertains to an offense for which the  
7 defense described by Subsection (c) is not available.

8 SECTION 5. Section 481.117, Health and Safety Code, is  
9 amended by adding Subsections (f), (g), and (h) to read as follows:

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

12 (1) was the first person to request emergency medical  
13 assistance in response to the possible overdose of another person  
14 and:

15 (A) made the request for medical assistance  
16 during an ongoing medical emergency;

17 (B) remained on the scene until the medical  
18 assistance arrived; and

19 (C) cooperated with medical assistance and law  
20 enforcement personnel; or

21 (2) was the victim of a possible overdose for which  
22 emergency medical assistance was requested, by the actor or by  
23 another person, during an ongoing medical emergency.

24 (g) The defense to prosecution provided by Subsection (f) is  
25 not available if, at the time the request for emergency medical  
26 assistance was made, a peace officer was in the process of arresting  
27 the actor or executing a search warrant describing the actor or the

1 place from which the request for medical assistance was made.

2       (h) The defense to prosecution provided by Subsection (f)  
3 does not preclude the admission of evidence obtained by law  
4 enforcement resulting from the request for emergency medical  
5 assistance if that evidence pertains to an offense for which the  
6 defense described by Subsection (f) is not available.

7       SECTION 6. Section 481.118, Health and Safety Code, is  
8 amended by adding Subsections (f), (g), and (h) to read as follows:

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

11           (1) was the first person to request emergency medical  
12 assistance in response to the possible overdose of another person  
13 and:

14           (A) made the request for medical assistance  
15 during an ongoing medical emergency;

16           (B) remained on the scene until the medical  
17 assistance arrived; and

18           (C) cooperated with medical assistance and law  
19 enforcement personnel; or

20           (2) was the victim of a possible overdose for which  
21 emergency medical assistance was requested, by the actor or by  
22 another person, during an ongoing medical emergency.

23       (g) The defense to prosecution provided by Subsection (f) is  
24 not available if, at the time the request for emergency medical  
25 assistance was made, a peace officer was in the process of arresting  
26 the actor or executing a search warrant describing the actor or the  
27 place from which the request for medical assistance was made.

1        (h) The defense to prosecution provided by Subsection (f)  
2    does not preclude the admission of evidence obtained by law  
3    enforcement resulting from the request for emergency medical  
4    assistance if that evidence pertains to an offense for which the  
5    defense described by Subsection (f) is not available.

6        SECTION 7. Section 481.119, Health and Safety Code, is  
7    amended by adding Subsections (c), (d), and (e) to read as follows:

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

10        (1) was the first person to request emergency medical  
11    assistance in response to the possible overdose of another person  
12    and:

13        (A) made the request for medical assistance  
14    during an ongoing medical emergency;

15        (B) remained on the scene until the medical  
16    assistance arrived; and

17        (C) cooperated with medical assistance and law  
18    enforcement personnel; or

19        (2) was the victim of a possible overdose for which  
20    emergency medical assistance was requested, by the actor or by  
21    another person, during an ongoing medical emergency.

22        (d) The defense to prosecution provided by Subsection (c) is  
23    not available if, at the time the request for emergency medical  
24    assistance was made, a peace officer was in the process of arresting  
25    the actor or executing a search warrant describing the actor or the  
26    place from which the request for medical assistance was made.

27        (e) The defense to prosecution provided by Subsection (c)

1 does not preclude the admission of evidence obtained by law  
2 enforcement resulting from the request for emergency medical  
3 assistance if that evidence pertains to an offense for which the  
4 defense described by Subsection (c) is not available.

5 SECTION 8. Section 481.121, Health and Safety Code, is  
6 amended by adding Subsections (c), (d), and (e) to read as follows:

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

9 (1) was the first person to request emergency medical  
10 assistance in response to the possible overdose of another person  
11 and:

12 (A) made the request for medical assistance  
13 during an ongoing medical emergency;

14 (B) remained on the scene until the medical  
15 assistance arrived; and

16 (C) cooperated with medical assistance and law  
17 enforcement personnel; or

18 (2) was the victim of a possible overdose for which  
19 emergency medical assistance was requested, by the actor or by  
20 another person, during an ongoing medical emergency.

21 (d) The defense to prosecution provided by Subsection (c) is  
22 not available if, at the time the request for emergency medical  
23 assistance was made, a peace officer was in the process of arresting  
24 the actor or executing a search warrant describing the actor or the  
25 place from which the request for medical assistance was made.

26 (e) The defense to prosecution provided by Subsection (c)  
27 does not preclude the admission of evidence obtained by law

1 enforcement resulting from the request for emergency medical  
2 assistance if that evidence pertains to an offense for which the  
3 defense described by Subsection (c) is not available.

4 SECTION 9. Section 481.125, Health and Safety Code, is  
5 amended by adding Subsections (g), (h), and (i) to read as follows:

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

8 (1) was the first person to request emergency medical  
9 assistance in response to the possible overdose of another person  
10 and:

11 (A) made the request for medical assistance  
12 during an ongoing medical emergency;

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

15 (C) cooperated with medical assistance and law  
16 enforcement personnel; or

17 (2) was the victim of a possible overdose for which  
18 emergency medical assistance was requested, by the actor or by  
19 another person, during an ongoing medical emergency.

20 (h) The defense to prosecution provided by Subsection (g) is  
21 not available if, at the time the request for emergency medical  
22 assistance was made, a peace officer was in the process of arresting  
23 the actor or executing a search warrant describing the actor or the  
24 place from which the request for medical assistance was made.

25 (i) The defense to prosecution provided by Subsection (g)  
26 does not preclude the admission of evidence obtained by law  
27 enforcement resulting from the request for emergency medical

1 assistance if that evidence pertains to an offense for which the  
2 defense described by Subsection (g) is not available.

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

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

7 (1) was the first person to request emergency medical  
8 assistance in response to the possible overdose of another person  
9 and:

10 (A) made the request for medical assistance  
11 during an ongoing medical emergency;

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

14 (C) cooperated with medical assistance and law  
15 enforcement personnel; or

16 (2) was the victim of a possible overdose for which  
17 emergency medical assistance was requested, by the actor or by  
18 another person, during an ongoing medical emergency.

19 (f) The defense to prosecution provided by Subsection (e) is  
20 not available if, at the time the request for emergency medical  
21 assistance was made, a peace officer was in the process of arresting  
22 the actor or executing a search warrant describing the actor or the  
23 place from which the request for medical assistance was made.

24 (g) The defense to prosecution provided by Subsection (e)  
25 does not preclude the admission of evidence obtained by law  
26 enforcement resulting from the request for emergency medical  
27 assistance if that evidence pertains to an offense for which the

1 defense described by Subsection (e) is not available.

2 SECTION 11. Section 485.031, Health and Safety Code, is  
3 amended by adding Subsections (c), (d), and (e) to read as follows:

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

6 (1) was the first person to request emergency medical  
7 assistance in response to the possible overdose of another person  
8 and:

9 (A) made the request for medical assistance  
10 during an ongoing medical emergency;

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

13 (C) cooperated with medical assistance and law  
14 enforcement personnel; or

15 (2) was the victim of a possible overdose for which  
16 emergency medical assistance was requested, by the actor or by  
17 another person, during an ongoing medical emergency.

18 (d) The defense to prosecution provided by Subsection (c) is  
19 not available if, at the time the request for emergency medical  
20 assistance was made, a peace officer was in the process of arresting  
21 the actor or executing a search warrant describing the actor or the  
22 place from which the request for medical assistance was made.

23 (e) The defense to prosecution provided by Subsection (c)  
24 does not preclude the admission of evidence obtained by law  
25 enforcement resulting from the request for emergency medical  
26 assistance if that evidence pertains to an offense for which the  
27 defense described by Subsection (c) is not available.

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

3 SUBCHAPTER E. OPIOID ANTAGONISTS

4 Sec. 483.101. DEFINITIONS. In this subchapter:

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

11 (2) "Opioid antagonist" means any drug that binds to  
12 opioid receptors and blocks or otherwise inhibits the effects of  
13 opioids acting on those receptors.

14 (3) "Opioid-related drug overdose" means a condition,  
15 evidenced by symptoms such as extreme physical illness, decreased  
16 level of consciousness, constriction of the pupils, respiratory  
17 depression, or coma, that a layperson would reasonably believe to  
18 be the result of the consumption or use of an opioid.

19 (4) "Prescriber" means a person authorized by law to  
20 prescribe an opioid antagonist.

21 Sec. 483.102. PRESCRIPTION OF OPIOID ANTAGONIST; STANDING  
22 ORDER. (a) A prescriber may, directly or by standing order,  
23 prescribe an opioid antagonist to:

24 (1) a person at risk of experiencing an opioid-related  
25 drug overdose; or

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

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

4           (c) A prescriber who, acting in good faith with reasonable  
5 care, prescribes or does not prescribe an opioid antagonist is not  
6 subject to any criminal or civil liability or any professional  
7 disciplinary action for:

8               (1) prescribing or failing to prescribe the opioid  
9 antagonist; or

10              (2) if the prescriber chooses to prescribe an opioid  
11 antagonist, any outcome resulting from the eventual administration  
12 of the opioid antagonist.

13           Sec. 483.103. DISPENSING OF OPIOID ANTAGONIST. (a) A  
14 pharmacist may dispense an opioid antagonist under a valid  
15 prescription to:

16               (1) a person at risk of experiencing an opioid-related  
17 drug overdose; or

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

20           (b) A prescription filled under this section is considered  
21 as filled for a legitimate medical purpose in the usual course of  
22 professional practice.

23           (c) A pharmacist who, acting in good faith and with  
24 reasonable care, dispenses or does not dispense an opioid  
25 antagonist under a valid prescription is not subject to any  
26 criminal or civil liability or any professional disciplinary action  
27 for:

1  
2                   (1) dispensing or failing to dispense the opioid  
3 antagonist; or  
4                   (2) if the pharmacist chooses to dispense an opioid  
5 antagonist, any outcome resulting from the eventual administration  
6 of the opioid antagonist.

7                   Sec. 483.104. DISTRIBUTION OF OPIOID ANTAGONIST; STANDING  
8 ORDER. A person or organization acting under a standing order  
9 issued by a prescriber may store an opioid antagonist and may  
10 distribute an opioid antagonist, provided the person or  
11 organization does not request or receive compensation for storage  
12 or distribution.

13                   Sec. 483.105. POSSESSION OF OPIOID ANTAGONIST. Any person  
14 may possess an opioid antagonist, regardless of whether the person  
15 holds a prescription for the opioid antagonist.

16                   Sec. 483.106. ADMINISTRATION OF OPIOID ANTAGONIST. (a) A  
17 person who, acting in good faith and with reasonable care,  
18 administers or does not administer an opioid antagonist to another  
19 person whom the person believes is suffering an opioid-related drug  
20 overdose is not subject to criminal prosecution, sanction under any  
21 professional licensing statute, or civil liability, for an act or  
22 omission resulting from the administration of or failure to  
23 administer the opioid antagonist.

24                   (b) Emergency services personnel are authorized to  
25 administer an opioid antagonist to a person who appears to be  
26 suffering an opioid-related drug overdose, as clinically  
27 indicated.

1                   Sec. 483.107. GRANTS. The Health and Human Services

2                   Commission may issue grants for:

3                   (1) drug overdose prevention;

4                   (2) recognition and response education for  
5                   individuals, family members, and emergency services personnel; and

6                   (3) opioid antagonist prescription or distribution  
7                   projects.

8                   Sec. 483.108. CONFLICT OF LAW. To the extent of a conflict  
9                   between this subchapter and another law, this subchapter controls.

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

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

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

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

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

26                  (b) For purposes of this section, an offense is committed  
27 before September 1, 2015, if any element of the offense occurs

1 before that date.

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

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

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President of the Senate

Speaker of the House

I certify that H.B. No. 225 was passed by the House on April 14, 2015, by the following vote: Yeas 140, Nays 4, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 225 on May 18, 2015, by the following vote: Yeas 130, Nays 1, 1 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 225 was passed by the Senate, with amendments, on May 13, 2015, by the following vote: Yeas 30, Nays 1.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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\_\_\_\_\_  
Governor