

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Guillen, Johnson, King of Taylor

H.B. No. 225

A BILL TO BE ENTITLED

AN ACT

relating to the prescription, administration, and possession of certain opioid antagonists for the treatment of a suspected overdose and a defense to prosecution for certain offenses involving controlled substances and other prohibited drugs, substances, or paraphernalia for defendants seeking assistance for a suspected overdose.

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

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

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

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

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

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

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

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

SECTION 2. Section 481.1151, Health and Safety Code, is 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:

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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:

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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.

ADOPTED

MAY 13 2013

*Hotay Speed*  
Secretary of the Senate

By: *Thurk Newton*

H.B. No. 225

Substitute the following for H.B. No. 225 :

By: *Yonni Burton*

C.S. H.B. No. 225

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12 under Subsection (b) that the actor:

13 (1) requested emergency medical assistance in response  
14 to the possible overdose of another person and:

15 (A) made the request for medical assistance during  
16 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



1 another person, during an ongoing medical emergency.

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

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

13 SECTION 2. Section 481.1151, Health and Safety Code, is  
14 amended by adding Subsections (c), (d), and (e) to read as follows:

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22 assistance arrived; and

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24 enforcement personnel; or

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1 emergency medical assistance was requested, by the actor or by  
2 another person, during an ongoing medical emergency.

3 (d) The defense to prosecution provided by Subsection (c) is  
4 not available if, at the time the request for emergency medical  
5 assistance was made, a peace officer was in the process of  
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9 (e) The defense to prosecution provided by Subsection (c) does  
10 not preclude the admission of evidence obtained by law enforcement  
11 resulting from the request for emergency medical assistance if that  
12 evidence pertains to an offense for which the defense described by  
13 Subsection (c) is not available.

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

16 (f) It is a defense to prosecution for an offense punishable  
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3 another person, during an ongoing medical emergency.

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13 evidence pertains to an offense for which the defense described by  
14 Subsection (f) is not available.

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

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

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16 SECTION 5. Section 481.117, Health and Safety Code, is  
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5 another person, during an ongoing medical emergency.

6           (g) The defense to prosecution provided by Subsection (f) is  
7 not available if, at the time the request for emergency medical  
8 assistance was made, a peace officer was in the process of  
9 arresting the actor or executing a search warrant describing the  
10 actor or the place from which the request for medical assistance  
11 was made.

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13 not preclude the admission of evidence obtained by law enforcement  
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17           SECTION 6. Section 481.118, Health and Safety Code, is  
18 amended by adding Subsections (f), (g), and (h) to read as follows:

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8 enforcement personnel; or

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

12           (d) The defense to prosecution provided by Subsection (c) is  
13 not available if, at the time the request for emergency medical  
14 assistance was made, a peace officer was in the process of  
15 arresting the actor or executing a search warrant describing the  
16 actor or the place from which the request for medical assistance  
17 was made.

18           (e) The defense to prosecution provided by Subsection (c) does  
19 not preclude the admission of evidence obtained by law enforcement  
20 resulting from the request for emergency medical assistance if that  
21 evidence pertains to an offense for which the defense described by  
22 Subsection (c) is not available.

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

25           SUBCHAPTER E. OPIOID ANTAGONISTS

1       Sec. 483.101. DEFINITIONS. In this subchapter:

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

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

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

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

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

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

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

25           (b) A prescription issued under this section is considered as

1 issued for a legitimate medical purpose in the usual course of  
2 professional practice.

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

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

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

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

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

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

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

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

1 for:

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 administer  
25 an opioid antagonist to a person who appears to be suffering an

1 opioid-related drug overdose, as clinically indicated.

2 Sec. 483.107. GRANTS. The Health and Human Services  
3 Commission may issue grants for:

4 (1) drug overdose prevention;

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

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

9 Sec. 483.108. 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 governed  
16 by the law in effect on the date the conduct occurred, and the  
17 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 governed  
22 by the law in effect on the date the conduct occurred, and the  
23 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

1 offense committed on or after September 1, 2015.

2 (b) For purposes of this section, an offense is committed  
3 before September 1, 2015, if any element of the offense occurs  
4 before that date.

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

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



# ADOPTED

MAY 13 2015

*Katey Spaw*  
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY:

*Thurk Dutton*

1 Amend C.S.H.B. No. 225 (senate committee printing) as  
2 follows:

3 (1) In SECTION 1 of the bill, in added Section  
4 481.115(g)(1), Health and Safety Code (page 1, line 31), between  
5 "(1)" and "emergency", strike "requested" and substitute "was the  
6 first person to request".

7 (2) In SECTION 2 of the bill, in added Section  
8 481.1151(c)(1), Health and Safety Code (page 1, line 56), between  
9 "(1)" and "emergency", strike "requested" and substitute "was the  
10 first person to request".

11 (3) In SECTION 3 of the bill, in added Section  
12 481.116(f)(1), Health and Safety Code (page 2, line 21), between  
13 "(1)" and "emergency", strike "requested" and substitute "was the  
14 first person to request".

15 (4) In SECTION 4 of the bill, in added Section  
16 481.1161(c)(1), Health and Safety Code (page 2, line 46), between  
17 "(1)" and "emergency", strike "requested" and substitute "was the  
18 first person to request".

19 (5) In SECTION 5 of the bill, in added Section  
20 481.117(f)(1), Health and Safety Code (page 3, line 2), between  
21 "(1)" and "emergency", strike "requested" and substitute "was the  
22 first person to request".

23 (6) In SECTION 6 of the bill, in added Section  
24 481.118(f)(1), Health and Safety Code (page 3, line 27), between  
25 "(1)" and "emergency", strike "requested" and substitute "was the  
26 first person to request".

27 (7) In SECTION 7 of the bill, in added Section  
28 481.119(c)(1), Health and Safety Code (page 3, line 52), between  
29 "(1)" and "emergency", strike "requested" and substitute "was the

1 first person to request".

2 (8) In SECTION 8 of the bill, in added Section  
3 481.121(c)(1), Health and Safety Code (page 4, line 8), between  
4 "(1)" and "emergency", strike "requested" and substitute "was the  
5 first person to request".

6 (9) In SECTION 9 of the bill, in added Section  
7 481.125(g)(1), Health and Safety Code (page 4, line 33), between  
8 "(1)" and "emergency", strike "requested" and substitute "was the  
9 first person to request".

10 (10) In SECTION 10 of the bill, in added Section  
11 483.041(e)(1), Health and Safety Code (page 4, line 58), between  
12 "(1)" and "emergency", strike "requested" and substitute "was the  
13 first person to request".

14 (11) In SECTION 11 of the bill, in added Section  
15 485.031(c)(1), Health and Safety Code (page 5, line 14), between  
16 "(1)" and "emergency", strike "requested" and substitute "was the  
17 first person to request".

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**May 13, 2015**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB225** by Guillen (Relating to the prescription, administration, and possession of certain opioid antagonists for the treatment of a suspected overdose and a defense to prosecution for certain offenses involving controlled substances and other prohibited drugs, substances, or paraphernalia for defendants seeking assistance for a suspected overdose.),  
**As Passed 2nd House**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
--

The bill would amend various sections of the Health and Safety Code as they relate to the prosecution of certain offenses involving controlled substances and prohibited drugs, substances, or paraphernalia. Under the provisions of the bill, being the first person to request emergency medical assistance during an ongoing medical emergency, remaining on the scene until medical assistance arrives, and cooperating with medical assistance and law enforcement personnel in response to the possible controlled substance overdose of the person or another would provide for a defense to prosecution in certain circumstances. In addition, the bill would provide for a defense to prosecution if the actor was a victim of a possible overdose for which emergency medical assistance was requested during an ongoing medical emergency in certain circumstances.

The bill would also add a new chapter to the Health and Safety Code that would authorize the prescription, distribution, possession, and administration of opioid antagonists in certain circumstances. This analysis assumes the bill would not result in a significant increase in individuals seeking an opioid antagonist. The bill would provide authority to the Health and Human Services Commission to issue grants for drug prevention, education and certain projects . It is anticipated that these provisions could be implemented using existing staff and resources. This analysis assumes the provisions of the bill addressing felony sanctions for criminal offenses would not result in a significant impact on state correctional agencies.

## **Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 301 Office of the Governor, 529 Health and Human Services Commission, 537 State Health Services, Department of

**LBB Staff:** UP, KJo, WP, ADe, SS

LEGISLATIVE BUDGET BOARD  
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

April 30, 2015

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB225** by Guillen (relating to the prescription, administration, and possession of certain opioid antagonists for the treatment of a suspected overdose and a defense to prosecution for certain offenses involving controlled substances and other prohibited drugs, substances, or paraphernalia for defendants seeking assistance for a suspected overdose.), **Committee Report 2nd House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would amend various sections of the Health and Safety Code as they relate to the prosecution of certain offenses involving controlled substances and prohibited drugs, substances, or paraphernalia. Under the provisions of the bill, requesting emergency medical assistance during an ongoing medical emergency, remaining on the scene until medical assistance arrives, and cooperating with medical assistance and law enforcement personnel in response to the possible controlled substance overdose of the person or another would provide for a defense to prosecution in certain circumstances. In addition, the bill would provide for a defense to prosecution if the actor was a victim of a possible overdose for which emergency medical assistance was requested during an ongoing medical emergency in certain circumstances.

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## **Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 301 Office of the Governor, 529 Health and Human Services Commission, 537 State Health Services, Department of

**LBB Staff:** UP, KJo, WP, ADe, SS

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**April 27, 2015**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB225** by Guillen (Relating to the prescription, administration, and possession of certain opioid antagonists for the treatment of a suspected overdose and a defense to prosecution for certain offenses involving controlled substances and other prohibited drugs, substances, or paraphernalia for defendants seeking assistance for a suspected overdose.),  
**As Engrossed**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend various sections of the Health and Safety Code as they relate to the prosecution of certain offenses involving controlled substances and prohibited drugs, substances, or paraphernalia. Under the provisions of the bill, requesting emergency medical assistance, remaining on the scene until medical assistance arrives, and cooperating with medical assistance and law enforcement personnel in response to the possible controlled substance overdose of the person or another would provide for a defense to prosecution.

The bill would add a new chapter to the Health and Safety Code that would authorize the prescription, distribution, possession, and administration of opioid antagonists in certain circumstances. The bill would provide authority to issue grants to the Health and Human Services Commission and the Office of the Governor. The Department of State Health Services indicates that any rulemaking activities required to implement the bill could be accomplished using existing staff and resources. Based on the LBB's analysis of the Health and Human Services Commission and the Office of the Governor, costs associated with grant-making activities related to prevention and education could be reasonably absorbed by the agencies. This analysis assumes the provisions of the bill addressing felony sanctions for criminal offenses would not result in a significant impact on state correctional agencies.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 301 Office of the Governor, 405 Department of Public Safety, 529 Health and Human Services Commission, 537 State Health Services, Department of

**LBB Staff:** UP, KJo, WP, ADe, VJC, LBe, ESi

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**March 29, 2015**

**TO:** Honorable Abel Herrero, Chair, House Committee on Criminal Jurisprudence

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB225** by Guillen (Relating to the prescription, administration, and possession of certain opioid antagonists for the treatment of a suspected overdose and a defense to prosecution for certain offenses involving controlled substances and other prohibited drugs, substances, or paraphernalia for defendants seeking assistance for a suspected overdose.), **Committee Report 1st House, Substituted**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
--

The bill would amend various sections of the Health and Safety Code as they relate to the prosecution of certain offenses involving controlled substances and prohibited drugs, substances, or paraphernalia. Under the provisions of the bill, requesting emergency medical assistance, remaining on the scene until medical assistance arrives, and cooperating with medical assistance and law enforcement personnel in response to the possible controlled substance overdose of the person or another would provide for a defense to prosecution.

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**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 301 Office of the Governor, 405 Department of Public Safety, 529 Health and Human Services Commission, 537 State Health Services, Department of

**LBB Staff:** UP, KJo, WP, ADe, VJC, LBe, ESi



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**March 9, 2015**

**TO:** Honorable Abel Herrero, Chair, House Committee on Criminal Jurisprudence

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB225** by Guillen (Relating to the prosecution of certain offenses involving controlled substances and other prohibited drugs, substances, or paraphernalia.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would amend various sections of the Health and Safety Code as they relate to the prosecution of certain offenses involving controlled substances and prohibited drugs, substances, or paraphernalia. Under the provisions of the bill, requesting emergency medical assistance, remaining on the scene until medical assistance arrives, and cooperating with medical assistance and law enforcement personnel in response to the possible controlled substance overdose of the person or another would provide for a defense to prosecution. This analysis assumes the provisions of the bill would not result in a significant impact on state correctional agencies.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** UP, KJo, LM, ESi, KVe

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**CRIMINAL JUSTICE IMPACT STATEMENT**

**84TH LEGISLATIVE REGULAR SESSION**

**May 13, 2015**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB225** by Guillen (Relating to the prescription, administration, and possession of certain opioid antagonists for the treatment of a suspected overdose and a defense to prosecution for certain offenses involving controlled substances and other prohibited drugs, substances, or paraphernalia for defendants seeking assistance for a suspected overdose.),  
**As Passed 2nd House**

The provisions of the bill addressing felony sanctions for criminal offenses are the subject of this analysis. The bill would amend various sections of the Health and Safety Code as they relate to the prosecution of certain offenses involving controlled substances and prohibited drugs, substances, or paraphernalia. Under the provisions of the bill, being the first person to request emergency medical assistance during an ongoing medical emergency, remaining on the scene until medical assistance arrives, and cooperating with medical assistance and law enforcement personnel in response to the possible controlled substance overdose of the person or another would provide for a defense to prosecution in certain circumstances. In addition, the bill would provide for a defense to prosecution if the actor was a victim of a possible overdose for which emergency medical assistance was requested during an ongoing medical emergency in certain circumstances.

Allowing for a defense to prosecution for a criminal offense is expected to decrease correctional supervision and/or incarceration populations and thereby decrease demands on county and/or state correctional resources. This analysis assumes the provisions of the bill would not significantly impact state correctional populations, programs, or workloads.

**Source Agencies:**

**LBB Staff:** UP, KJo, LM, ESi

LEGISLATIVE BUDGET BOARD  
Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

84TH LEGISLATIVE REGULAR SESSION

April 30, 2015

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB225** by Guillen (relating to the prescription, administration, and possession of certain opioid antagonists for the treatment of a suspected overdose and a defense to prosecution for certain offenses involving controlled substances and other prohibited drugs, substances, or paraphernalia for defendants seeking assistance for a suspected overdose.), **Committee Report 2nd House, Substituted**

The provisions of the bill addressing felony sanctions for criminal offenses are the subject of this analysis. The bill would amend various sections of the Health and Safety Code as they relate to the prosecution of certain offenses involving controlled substances and prohibited drugs, substances, or paraphernalia. Under the provisions of the bill, requesting emergency medical assistance during an ongoing medical emergency, remaining on the scene until medical assistance arrives, and cooperating with medical assistance and law enforcement personnel in response to the possible controlled substance overdose of the person or another would provide for a defense to prosecution in certain circumstances. In addition, the bill would provide for a defense to prosecution if the actor was a victim of a possible overdose for which emergency medical assistance was requested during an ongoing medical emergency in certain circumstances.

Allowing for a defense to prosecution for a criminal offense is expected to decrease correctional supervision and/or incarceration populations and thereby decrease demands on county and/or state correctional resources. This analysis assumes the provisions of the bill would not significantly impact state correctional populations, programs, or workloads.

**Source Agencies:**

**LBB Staff:** UP, LM, ESi

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**CRIMINAL JUSTICE IMPACT STATEMENT**

**84TH LEGISLATIVE REGULAR SESSION**

**March 29, 2015**

**TO:** Honorable Abel Herrero, Chair, House Committee on Criminal Jurisprudence

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE:** **HB225** by Guillen (Relating to the prescription, administration, and possession of certain opioid antagonists for the treatment of a suspected overdose and a defense to prosecution for certain offenses involving controlled substances and other prohibited drugs, substances, or paraphernalia for defendants seeking assistance for a suspected overdose.), **Committee Report 1st House, Substituted**

The provisions of the bill addressing felony sanctions are the subject of this analysis. The bill would amend various sections of the Health and Safety Code as they relate to the prosecution of certain offenses involving controlled substances and prohibited drugs, substances, or paraphernalia. Under the provisions of the bill, requesting emergency medical assistance, remaining on the scene until medical assistance arrive, and cooperating with medical assistance and law enforcement personnel in response to the possible controlled substance overdose of the person or another would provide for a defense to prosecution.

Allowing for a defense to prosecution for a criminal offense is expected to decrease correctional supervision and/or incarceration populations and thereby decrease demands on state correctional resources. This analysis assumes implementing the provisions of the bill would not significantly impact state correctional populations, programs, or workloads.

**Source Agencies:**

**LBB Staff:** UP, ESi, LM

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**CRIMINAL JUSTICE IMPACT STATEMENT**

**84TH LEGISLATIVE REGULAR SESSION**

**March 10, 2015**

**TO:** Honorable Abel Herrero, Chair, House Committee on Criminal Jurisprudence

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB225** by Guillen (Relating to the prosecution of certain offenses involving controlled substances and other prohibited drugs, substances, or paraphernalia.), **As Introduced**

The bill would amend various sections of the Health and Safety Code as they relate to the prosecution of certain offenses involving controlled substances and prohibited drugs, substances, or paraphernalia. Under the provisions of the bill, requesting emergency medical assistance, remaining on the scene until medical assistance arrive, and cooperating with medical assistance and law enforcement personnel in response to the possible controlled substance overdose of the person or another would provide for a defense to prosecution.

Allowing for a defense to prosecution for a criminal offense is expected to decrease correctional supervision and/or incarceration populations and thereby decrease demands on state correctional resources. This analysis assumes the provisions of the bill would not significantly impact state correctional agencies.

**Source Agencies:**

**LBB Staff:** UP, LM, ESi