

## **BILL ANALYSIS**

C.S.S.B. 1462  
By: West  
Public Health  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties contend that drug overdose is one of the leading causes of accidental death in the United States, with opioid painkillers accounting for a large majority of these cases. The parties argue that prioritizing access to anti-overdose medications by making such medications more available by prescription is a critical element of reducing opioid overdose deaths. C.S.S.B. 1462 seeks to address this issue.

### **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.S.B. 1462 amends the Health and Safety Code to authorize a prescriber, directly or by standing order, to prescribe an opioid antagonist to a person at risk of experiencing an opioid-related drug overdose or to a family member, friend, or other person in a position to assist such a person. The bill establishes that a prescription issued for an opioid antagonist as authorized by the bill's provisions is considered issued for a legitimate medical purpose in the usual course of professional practice and that a prescriber who, acting in good faith with reasonable care, prescribes or does not prescribe an opioid antagonist is not subject to any criminal or civil liability or any professional disciplinary action for prescribing or failing to prescribe the opioid antagonist or, if the prescriber chooses to prescribe an opioid antagonist, for any outcome resulting from the eventual administration of the opioid antagonist.

C.S.S.B. 1462 authorizes a pharmacist to dispense an opioid antagonist under a valid prescription to a person at risk of experiencing an opioid-related drug overdose or to a family member, friend, or other person in a position to assist such a person. The bill establishes that a prescription filled under such circumstances is considered as filled for a legitimate medical purpose in the usual course of professional practice and that a pharmacist who, acting in good faith and with reasonable care, dispenses or does not dispense an opioid antagonist under a valid prescription is not subject to any criminal or civil liability or any professional disciplinary action for dispensing or failing to dispense the opioid antagonist or, if the pharmacist chooses to dispense an opioid antagonist, for any outcome resulting from the eventual administration of the opioid antagonist.

C.S.S.B. 1462 authorizes a person or organization acting under a standing order issued by a prescriber to store an opioid antagonist and to distribute an opioid antagonist, provided the person or organization does not request or receive compensation for storage or distribution. The bill authorizes any person to possess an opioid antagonist, regardless of whether the person holds

a prescription for the opioid antagonist, and establishes that a person who, acting in good faith and with reasonable care, administers or does not administer an opioid antagonist to another person whom the person believes is suffering an opioid-related drug overdose is not subject to criminal prosecution, sanction under any professional licensing statute, or civil liability for an act or omission resulting from the administration of or failure to administer the opioid antagonist. The bill authorizes emergency services personnel to administer an opioid antagonist to a person who appears to be suffering an opioid-related drug overdose, as clinically indicated. The bill's provisions expressly prevail over another law to the extent of a conflict between the bill's provisions and that other law.

### **EFFECTIVE DATE**

September 1, 2015.

### **COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE**

While C.S.S.B. 1462 may differ from the engrossed in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the engrossed and committee substitute versions of the bill.

#### SENATE ENGROSSED

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

#### SUBCHAPTER E. OPIOID ANTAGONISTS

Sec. 483.101. DEFINITIONS. In this subchapter:

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

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

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

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

#### Sec. 483.102. PRESCRIPTION OF OPIOID ANTAGONIST; STANDING ORDER

#### HOUSE COMMITTEE SUBSTITUTE

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

#### SUBCHAPTER E. OPIOID ANTAGONISTS

Sec. 483.101. DEFINITIONS. In this subchapter:

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

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

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

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

#### Sec. 483.102. PRESCRIPTION OF OPIOID ANTAGONIST; STANDING ORDER.

Sec. 483.103. DISPENSING OF OPIOID ANTAGONIST.

Sec. 483.104. DISTRIBUTION OF OPIOID ANTAGONIST; STANDING ORDER.

Sec. 483.105. POSSESSION OF OPIOID ANTAGONIST.

Sec. 483.106. ADMINISTRATION OF OPIOID ANTAGONIST.

Sec. 483.107. CONFLICT OF LAW.

SECTION 2. The change in law made by this Act relating to conduct that is grounds for imposition of a disciplinary sanction applies only to conduct that occurs on or after September 1, 2015. Conduct that occurs before September 1, 2015, is governed by the law in effect on the date the conduct occurred, and the former law is continued in effect for that purpose.

SECTION 3. The change in law made by this Act relating to conduct that is the basis for civil liability applies only to conduct that occurs on or after September 1, 2015. Conduct that occurs before September 1, 2015, is governed by the law in effect on the date the conduct occurred, and the former law is continued in effect for that purpose.

SECTION 4. The change in law made by this Act relating to conduct that constitutes a criminal offense applies only to an offense committed on or after September 1, 2015. For purposes of this section, an offense is committed before September 1, 2015, if any element of the offense occurs before that date. An offense committed before September 1, 2015, is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose.

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

Sec. 483.103. DISPENSING OF OPIOID ANTAGONIST.

Sec. 483.104. DISTRIBUTION OF OPIOID ANTAGONIST; STANDING ORDER.

Sec. 483.105. POSSESSION OF OPIOID ANTAGONIST.

Sec. 483.106. ADMINISTRATION OF OPIOID ANTAGONIST.

Sec. 483.107. CONFLICT OF LAW.

SECTION 2. Same as engrossed version.

SECTION 3. Same as engrossed version.

SECTION 4. Same as engrossed version.

SECTION 5. Same as engrossed version.