

By: Rose

H.B. No. 3313

A BILL TO BE ENTITLED

AN ACT

relating to guidelines for prescribing opioid antagonists.

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

SECTION 1. Subtitle B, Title 3, Occupations Code, is amended by adding Chapter 170 to read as follows:

CHAPTER 170. PRESCRIPTION OF OPIOID ANTAGONISTS

Sec. 170.001. DEFINITIONS. In this chapter, "opioid antagonist" and "opioid-related drug overdose" have the meanings assigned by Section 483.101, Health and Safety Code.

Sec. 170.002. GUIDELINES. (a) The board shall adopt guidelines for the prescription of opioid antagonists.

(b) The guidelines must address:

(1) prescribing an opioid antagonist to a patient to whom an opioid medication is also prescribed; and

(2) identifying patients at risk of an opioid-related drug overdose and prescribing an opioid antagonist to that patient or to a person in a position to administer the opioid antagonist to that patient.

(c) In adopting guidelines under this section, the board:

(1) shall consult materials published by the Substance Abuse and Mental Health Services Administration of the United States Department of Health and Human Services; and

(2) may consult other appropriate materials, including medical journals subject to peer review and publications

1 by medical professional associations.

2 Sec. 170.003. LIABILITY FOR ACT OR OMISSION WITH RESPECT TO
3 PRESCRIBING AN OPIOID ANTAGONIST. A physician who acts in good
4 faith and with reasonable care, regardless of whether the physician
5 follows the guidelines adopted under this chapter, is not subject
6 to criminal or civil liability or any professional disciplinary
7 action for:

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

10 (2) any outcome resulting from the eventual
11 administration of an opioid antagonist prescribed by the physician.

12 SECTION 2. The change in law made by this Act relating to
13 conduct that is grounds for imposition of a disciplinary sanction
14 applies only to conduct that occurs on or after September 1, 2017.
15 Conduct that occurs before September 1, 2017, is governed by the law
16 in effect on the date the conduct occurred, and the former law is
17 continued in effect for that purpose.

18 SECTION 3. The change in law made by this Act relating to
19 conduct that is the basis for civil liability applies only to
20 conduct that occurs on or after September 1, 2017. Conduct that
21 occurs before September 1, 2017, is governed by the law in effect on
22 the date the conduct occurred, and the former law is continued in
23 effect for that purpose.

24 SECTION 4. The change in law made by this Act relating to
25 conduct that constitutes a criminal offense applies only to an
26 offense committed on or after September 1, 2017. For purposes of
27 this section, an offense is committed before September 1, 2017, if

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1 any element of the offense occurs before that date. An offense
2 committed before September 1, 2017, is governed by the law in effect
3 on the date the offense was committed, and the former law is
4 continued in effect for that purpose.

5 SECTION 5. This Act takes effect September 1, 2017.