



Texas Criminal Justice Coalition

Opioid Abuse in Texas

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LEGISLATIVE PROGRESS: OPIOID ABUSE AND OVERDOSE

Texas passed legislation (SB 1462, 84th Texas Legislature) authorizing access to lifesaving opioid antagonists. On August 1, 2016 the Texas Pharmacy Association issued a statewide “standing order” that will finally make the overdose cure generally available.¹ This is critical. In Austin, for example, where a group called the Texas Overdose Naloxone Initiative has been actively distributing naloxone, fentanyl-related overdose deaths declined significantly in the first six months of this year when compared to 2015.

There is still more to be done to save lives and reduce opioid abuse in Texas.

THE PROBLEM OF OPIOID ABUSE IN TEXAS

Thanks to powerful pharmaceuticals prescribed for chronic pain but now available on the black market or cut into other black market drugs, the U.S. is in the midst of a drug overdose crisis,² and Texas is not immune.³ Fentanyl is a synthetic opioid analgesic that is similar to morphine but is 50-100 times more potent. It is typically used to treat patients with severe pain or to manage pain after surgery. It is also sometimes used to treat patients with chronic pain who are physically tolerant to other opioids. In its prescription form, fentanyl is known by such names as Actiq®, Duragesic®, and Sublimaze®. Street names for fentanyl or for fentanyl-laced heroin include Apache, China Girl, China White, Dance Fever, Friend, Goodfella, Jackpot, Murder 8, TNT, and Tango and Cash.

The high potency of fentanyl greatly increases the risk of overdose, especially if a person who uses drugs is unaware that a powder or pill contains fentanyl. Last year the Centers for Disease Control and Prevention issued an emergency health advisory⁴ calling for improved data collection and broad access to naloxone.

PROPOSALS TO REDUCE OPIOID ABUSE AND SAVE LIVES IN TEXAS

Reduce State Jail Felony Possession to a Class A Misdemeanor. Possession of personal use amounts of opioid drugs is a state jail felony. State jails were created to provide drug treatment and other services but most people never receive those services. Instead, they serve their time and are released back into the community without support. Texas should reduce penalties to a Class A misdemeanor and strengthen supervision and drug treatment options at the county level. People can remain closer to home, get the treatment they need, and avoid a felony conviction that closes economic and housing opportunities.

Pass Good Samaritan Legislation. Texas can save lives by encouraging witnesses to help people who are in the midst of a drug overdose. Thirty-seven states and the District of Columbia have passed such legislation. HB 225 (84th Texas Legislature), a “good Samaritan” law, passed both chambers last session. It was ultimately vetoed by the Governor over concerns that it might protect drug dealers from prosecution if the dealer was also a “good Samaritan” and called 911 to save someone from an overdose. The best good Samaritan laws (from the perspective of saving lives) should provide a defense to prosecution to anyone who calls 911, stays to assist emergency personnel, and provides identification to officers. A more limited proposal could provide a defense to prosecution only on possession charges but not distribution charges.

¹ <https://www.texastribune.org/2016/06/21/anti-overdose-drug-becomes-available-texas/>

² <http://www.nytimes.com/interactive/2016/01/07/us/drug-overdose-deaths-in-the-us.html>

³ <http://www.kvue.com/news/local/several-deaths-from-fentanyl-overdoses-in-austin/183108274>

⁴ <http://emergency.cdc.gov/han/han00384.asp>