

# Give People Access to Supports that Prevent Drug Overdoses and Save Lives

## Policy Background

For far too long, Texas lawmakers have based state drug policy on a Moral Model, which assumes that drug use and addiction are inherently wrong, despite overwhelming evidence to the contrary. This Model has been made worse by racial bias, which has perpetuated myths about drug users, and it has resulted in the disparate application of penalties for drug use and possession.<sup>1</sup> Ultimately, Texas' race- and feeling-based policymaking has created devastating consequences for millions of people, along with their families and communities. Instead, the state should implement appropriate, evidence-based approaches to harm reduction for drug use. The goal of harm reduction is to keep users of drugs healthy and safe; it's grounded in the idea that people who use drugs deserve fundamental rights.

## Proposed Solution

Texas leaders should take the following steps to save lives:

1. **Enact an Effective “Good Samaritan” Policy:** If a person is experiencing a suspected overdose, a Good Samaritan law should allow them or someone with them to call 9-1-1 without fear of being arrested and prosecuted. However, Texas' Good Samaritan law ([HB 1694](#)) doesn't apply to 9-1-1 callers who have a felony record or who've called 9-1-1 for an overdose in the past 18 months. Texas should update its Good Samaritan law to provide protection from prosecution for people who have drug convictions or who have called 9-1-1 previously because of an overdose.
2. **Permit Safe Usage:** [Safe Syringe Programs](#) promote the use of new or sterile needles for each injection, largely in efforts to reduce diseases like HIV infection, viral hepatitis, and other blood-borne infections.<sup>2</sup> Texas should permit local jurisdictions to implement syringe distribution and disposal options. [Fentanyl testing strips](#) are an inexpensive way to help prevent drug overdoses and reduce harm. They're “small strips of paper that can detect the presence of fentanyl in all different kinds of drugs (cocaine, methamphetamine, heroin, etc.) and drug

forms (pills, powder, and injectables).”<sup>3</sup> Texas should allow convenient, inexpensive access to these strips to provide people who use drugs with more information to increase their safety.

3. **Expand Access to Narcan:** Narcan, also called Naloxone, is a “life-saving medication that can reverse an overdose from opioids – including heroin, fentanyl, and prescription opioid medications – when given [to an overdosing person] in time.”<sup>3</sup> While Texas has made Narcan available at local pharmacies, it can cost as much as \$100, making it too expensive to purchase. Texas should make Narcan readily accessible to people in their communities.

## Relevant Bills

### *Fentanyl Testing Strips*

- **Bill Number:** **HB 362** [Oliveron; Howard; Talarico; Cole; Leo-Wilson]  
**Bill Caption:** Relating to the use, possession, delivery, or manufacture of testing equipment that identifies the presence of fentanyl, alpha-methylfentanyl, or any other derivative of fentanyl.
- **Bill Number:** **SB 207** [Eckhardt]  
**Bill Caption:** Relating to the use, possession, delivery, or manufacture of testing equipment that identifies the presence of fentanyl, alpha-methylfentanyl, or any other derivative of fentanyl.

### *Decriminalized Drug Paraphernalia*

- **Bill Number:** **HB 224** [Bernal]  
**Bill Caption:** Relating to removing criminal penalties for the possession or distribution of certain drug paraphernalia under the Texas Controlled Substances Act.
- **Bill Number:** **HB 753** [Jones]  
**Bill Caption:** Relating to removing criminal penalties for the possession of drug paraphernalia under the Texas Controlled Substances Act.

## Other Materials

- TCJE zine: [What Is Harm Reduction?](#) [March 2023]

*Also see the associated [webpage on harm reduction facts](#).*

- TCJE [testimony on opioid abuse, overdoses, and harm reduction](#), submitted to the House Public Health Committee [September 2022]
- TCJE report: [Reversing the War on Drugs in Texas: Prioritizing REAL Public Health and Safety for Texans](#) ([opens in a new tab](#))[April 2022]
- TCJE data visualization on Travis County (Austin) drug arrests: [Digging Deeper into Drug Enforcement Data: Over-policing and the impact on community resiliency](#) ([opens in a new tab](#))[October 2021]
- TCJE's 2021 legislative portfolio: [Spend Your Values, Cut Your Losses](#) ([opens in a new tab](#)) (Smart and Safe Solution #1), with [corresponding webpage \(recommendation 2\)](#) ([opens in a new tab](#))[2021]
- TCJE report: [Ending the War on Drugs in Travis County, Texas](#) ([opens in a new tab](#))[February 2020]

*Also see the report's [key findings](#).*

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<sup>1</sup> Koppel JDS (2016) Evidence-based Drug Crime Policy: Looking beyond the Moral and Medical to a Multi-level Model of Addiction. J Civil Legal 5:175. doi:10.4172/2169-0170.1000175.

<sup>2</sup> Centers for Disease Control and Prevention (CDC), [Syringe Services Programs](#).

<sup>3</sup> CDC, [Fentanyl Test Strips: A Harm Reduction Strategy](#).

<sup>4</sup> CDC, [Lifesaving Naloxone](#).