What Happens Now if You Call 911 in Texas?

HB 1694 (also known as The Jessica Sosa Act) establishes a defense to prosecution in certain cases for people who call 911 for a possible overdose. This defense is not available for people who have previous convictions under certain drug laws, people who have already used the defense in the past and people who have called 911 for a possible overdose in the last 18 months. It becomes effective September 1, 2021, and it applies to any event on or after this date. This law does not provide full immunity from liability. So, to create clarity, we are referring to it as the Overdose Bystander Law.

HB 1694 (87th Legislature, 2021)
Updates the Texas Controlled Substance Act (Health & Safety Code Ch. 481) to include a defense to prosecution related to possession of a controlled substance during a 911 call involving an overdose. A defense to prosecution is what is called an “affirmative defense,” meaning that if there are controlled substances involved, you must prove that you meet the criteria listed below in order to avoid legal punishment.

The defense is available to:

A person who is first to call 911 in response to a possible overdose and (1) made the request during an emergency, (2) stayed on the scene, and (3) cooperated with the people responding

A person who was the victim of a possible overdose, when someone else called 911

The new law does not keep people from being charged with another crime or keep out other evidence that police may have gathered after responding to a 911 call for an overdose.

For more information, contact: Seth Winick
Director, Texas Coalition for Healthy Minds
director@coalitionhealthyminds.org // 512-470-2233