

28 None

29 **Other Special Clauses:**

30 None

31 **Utah Code Sections Affected:**

32 AMENDS:

33 26-55-101, as enacted by Laws of Utah 2014, Chapter 130

34 26-55-102, as enacted by Laws of Utah 2014, Chapter 130

35 26-55-104, as enacted by Laws of Utah 2014, Chapter 130

36 58-17b-309, as last amended by Laws of Utah 2015, Chapter 206

37 58-17b-507, as enacted by Laws of Utah 2014, Chapter 130

38 58-31b-703, as enacted by Laws of Utah 2014, Chapter 130

39 58-67-702, as enacted by Laws of Utah 2014, Chapter 130

40 58-68-702, as enacted by Laws of Utah 2014, Chapter 130

41 58-70a-505, as enacted by Laws of Utah 2014, Chapter 130

42 ENACTS:

43 26-55-105, Utah Code Annotated 1953

44 58-69-702, Utah Code Annotated 1953



46 *Be it enacted by the Legislature of the state of Utah:*

47 Section 1. Section 26-55-101 is amended to read:

48 **CHAPTER 55. OPIATE OVERDOSE RESPONSE ACT**

49 **26-55-101. Title.**

50 This chapter is known as the "[~~Emergency Administration of~~] Opiate [~~Antagonist~~]

51 Overdose Response Act."

52 Section 2. Section 26-55-102 is amended to read:

53 **26-55-102. Definitions.**

54 As used in this chapter:

55 (1) "Controlled substance" means the same as that term is defined in Title 58, Chapter

56 37, Utah Controlled Substances Act.

57 (2) "Dispense" means the same as that term is defined in Section 58-17b-102.

58 (3) **It→ ["Division" means the Division of Occupational and Professional Licensing within**

59 the Department of Commerce. ←H

60 [(+)] H→ [(4)] ←H "Health care facility" means a hospital, a hospice inpatient residence, a  
 61 nursing facility, a dialysis treatment facility, an assisted living residence, an entity that provides  
 62 home- and community-based services, a hospice or home health care agency, or another facility  
 63 that provides or contracts to provide health care services, which facility is licensed under  
 64 Chapter 21, Health Care Facility Licensing and Inspection Act.

65 [(2)] H→ [(5)] (4) ←H "Health care provider" means:

66 (a) a physician, as defined in Section 58-67-102;

67 (b) an advanced practice registered nurse, as defined in Subsection 58-31b-102(13);

68 [or]

69 (c) a physician assistant, as defined in Section 58-70a-102; or

70 (d) an individual licensed to engage in the practice of dentistry, as defined in Section  
 71 58-69-102.

72 H→ [(6)] (5) ←H "Increased risk" means risk exceeding the risk typically experienced by an  
 73 individual who is not using, and is not likely to use, an opiate;

74 H→ [(7)] (6) ←H "Local health department" means:

75 (a) a local health department, as defined in Section 26A-1-102; or

76 (b) a multicounty local health department, as defined in Section 26A-1-102.

77 [(3)] H→ [(8)] (7) ←H "Opiate" [is] means the same as as that term is defined in  
 77a Section 58-37-2.

78 [(4)] H→ [(9)] (8) ←H "Opiate antagonist" means naloxone hydrochloride or any  
 78a similarly acting  
 79 drug that is not a controlled substance and that is approved by the federal Food and Drug  
 80 Administration for the H→ diagnosis or ←H treatment of [a] an opiate-related drug  
 80a overdose event.

81 [(5)] H→ [(10)] (9) ←H "Opiate-related drug overdose event" means an acute condition,  
 81a including a  
 82 decreased level of consciousness or respiratory depression resulting from the consumption or  
 83 use of a controlled substance, or another substance with which a controlled substance was  
 84 combined, and that a person would reasonably believe to require medical assistance.

85 H→ [(11)] (10) ←H "Overdose outreach provider" means:

86 (a) a law enforcement agency;

87 (b) a fire department;

88 (c) an emergency medical service provider, as defined in Section 26-8a-102;

89 (d) emergency medical service personnel, as defined in Section 26-8a-102;

90 (e) an organization providing treatment or recovery services for drug or alcohol use;

91 (f) an organization providing support services for an individual, or a family of an  
 92 individual, with a substance use disorder;

93 (g) an organization providing substance use or mental health services under contract  
 94 with a local substance abuse authority, as defined in Section 62A-15-102, or a local mental  
 95 health authority, as defined in Section 62A-15-102;

96 (h) an organization providing services to the homeless;

97 (i) a local health department; or

98 (j) an individual.

99 ~~H→~~ ~~[(12)]~~ **(11)** ~~←H~~ "Patient counseling" means the same as that term is defined in Section  
 100 58-17b-102.

101 ~~H→~~ ~~[(13)]~~ **(12)** ~~←H~~ "Pharmacist" means the same as that term is defined in Section  
 101a 58-17b-102.

102 ~~H→~~ ~~[(14)]~~ **(13)** ~~←H~~ "Pharmacy intern" means the same as that term is defined in Section  
 102a 58-17b-102.

103 ~~H→~~ ~~[(15)]~~ **(14)** ~~←H~~ "Prescribe" means the same as that term is defined in Section  
 103a 58-17b-102.

104 Section 3. Section **26-55-104** is amended to read:

105 **26-55-104. Prescribing, dispensing, and administering an opiate antagonist --**  
 106 **Immunity from liability.**

107 (1) (a) Except as provided in Subsection (1)(b), a person ~~[other than]~~, including an  
 108 overdose outreach provider, but not including a health care facility or health care provider, who  
 109 acts in good faith to administer an opiate antagonist to ~~[another person]~~ an individual whom the  
 110 person believes to be ~~[suffering]~~ experiencing an opiate-related drug overdose event is not  
 111 liable for any civil damages ~~[or]~~ for acts or omissions made as a result of administering the  
 112 opiate antagonist.

113 (b) A health care provider:

114 (i) does not have immunity from liability under Subsection (1)(a) when the health care  
 115 provider is acting within the scope of the health care provider's responsibilities or duty of care;  
 116 and

117 (ii) does have immunity from liability under Subsection (1)(a) if the health care  
 118 provider is under no legal duty to respond and otherwise complies with Subsection (1)(a).

119 (2) Notwithstanding Sections 58-1-501, 58-17b-501, and 58-17b-502, a health care  
 120 provider who is licensed to prescribe ~~[or dispense]~~ an opiate antagonist may ~~[, without a~~